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THE POLITICAL HISTORY OF THE PUBLIC LANDS
FROM 1840 TO 1862

FROM PRE-EMPTION TO HOMESTEAD

BY

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Gratefully Dedicated
to
My Sisters and Brothers

PREFACE

In the preparation of this book the author has attempted to trace the history of the public land legislation in Congress, to portray the sentiment of the different sections of the country relative to the disposal of the public domain, and to estimate the influence of the public lands on the political and legislative situation in general in the period from 1840 to 1862. The first task was comparatively simple, the second more difficult, and the last often perplexing. In many instances the leaders and spokesmen of public opinion have been allowed to state their position in their own words; and frequently where quotation marks will not be found, the actual expression of the writer or speaker has been closely followed.

The research was begun in a seminar at Harvard University in 1911, later expanding into a doctoral dissertation. Those who have profited by the stimulating scholarship, illuminating criticism, and the never-failing encouragement and courtesy of Professor Frederick J. Turner, will understand the author's deep obligation to him. He has blazed the way for those who seek to understand the significance of the West in American History.

Reference has been made in the Bibliography to the libraries where the material for this study was found. The author desires to thank the officials for their assistance.

George M. Stephenson.

Dartmouth College,
August, 1917.

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THE POLITICAL HISTORY OF THE PUBLIC LANDS

FROM 1840 TO 1862

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CHAPTER I

SECTIONALISM AND THE PUBLIC LANDS, 1835-1845

THE key to the political history of the public lands is the "fact of sectional rivalries and combinations." [1] Just as the historian must interpret the ante-bellum South in terms of cotton, he must read the speeches and votes of Western politicians mindful of the existence of a vast public domain. There is no little significance in the fact that the authors and promoters of the three great projects for the disposition of the public domain about 1840 were leading men in Congress and prospective candidates for the presidency. The development of the West had been phenomenal. The exuberance of youth and strength combined with the knowledge that the East and the South were courting favor engendered a strong feeling of self-consciousness.[2] "They of the West were all from the older States," said Representative Kennedy, of Indiana,[3] . . . "and the older

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[1] See Frederick J. Turner, *Rise of the New West*, Chapter 1.

[2] See speeches of James E. Belser, of Alabama, Robert C. Winthrop, of Massachusetts, and Henry A. Wise, of Virginia, in the House of Representatives, December 19, 1843. *Cong. Globe*, 28 Cong., 1 Sess., 50-53.

[3] Dec. 19, 1843. *Ibid.*, 50.

States had been in the habit of looking upon them as a parent looks upon absent children. The older States had been accustomed to look upon the West as colonies of those old States. They had been treated as children who had left their father's hearth to make the West their home; but they forget that, in the West, they had grown beyond their knowledge; and if they still looked upon the West as a mother does upon a son, who had left the paternal roof, as always looking, when his head was covered with the frosts of many winters, and when he had become the head of a mighty family and a powerful nation, as when he was playing about his mother's knee in his native village, they were much mistaken. . . . The West no longer wanted 'milk for babes,' but the meat of men; and what was more they would have it."

Land legislation lay close to the Western heart. It was the greatest single interest in the West and it was a vital topic of discussion in the settlers' cabins, in the State legislatures, and in the speeches of Western congressmen. Although the pioneers admitted that the old States had some rights in the lands, they believed it was to the interest of all sections to settle the new territories as soon as possible with industrious inhabitants.[4] They had little patience with the early policy of the government which considered the public lands as a source of revenue. They insisted that there were other means of securing an ample fund for the ordinary demands of government expenditure. The pioneer felt that in tearing himself away from the comforts and advantages of a more settled community and in striking out into the wilderness to make a home for himself and his children in the midst of hardships and privations, he was rendering a distinct service to society. Therefore his spokesmen in Congress demanded that he be rewarded with a land system which would enable him to settle on a tract of land of reasonable size, to build a log cabin on it, and to cultivate and improve it without the risk of having his property bought from under him.

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[4] *New York Weekly Tribune*, May 15, 1852; *Daily Louisville Times*, June 2, 1852.

In order to protect himself from speculators, the settler joined with his neighbors in forming organizations known as Claim Associations.[5] These associations were makeshifts to tide the settlers over until Congress should enact a law which would give them proper legal protection, or until they were able to pay for their claims. The large number of these organizations bore witness to the dissatisfaction in the West with existing land laws and the need for a preemption system. In a sense, Claim Associations were formed in order to violate law, but they were not so regarded by the squatters.[6] The squatter ideal is one of the oldest things in American life; it goes back to the very first years of colonial history. Squatting on waste lands was a right and the squatter's point of view was that laws interfering with this right were unjust and of non-effect. In the words of a Western editor, "Claim Associations are organizations peculiar to the West. The tide of emigration is always in advance of surveys and land sales authorized by the government. . . . These men are the true pioneers, that open the country to the skill and capital of more thorough improvement and extended commerce. We would have their acts legalized and the benefits resulting from their hardy enterprise more firmly secured to them. For this purpose, we desire to see the pre-emption laws applied to all lands the moment the Indian title is extinguished. But we would guard the statute with provisions as strong as language is capable of expressing, against speculators deriving the benefit of making claims, and confine the privilege strictly to actual, bonafide settlers."[7] "What laws have they violated?" exclaimed one of their spokesmen in Congress.[8] "Laws, sir, which do injustice to every poor man in the United States who is unable to purchase land, and seeks a home where he can support himself and family; laws which are as unreasonable as they are unnecessary, and which are opposed to the moral sense of the people; laws which it would require a standing army of a hundred thousand men to enforce; which you never *have* enforced; which you never *can* enforce; and which ought, in my opinion, to be repealed immediately."[9]

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[5] Macy, *Institutional Beginnings in a Western State*. *Johns Hopkins Studies*, II., 353-363; Shambaugh, *Constitution and Records of the Claim Association of Johnson County, Iowa*.

[6] "It is useless to say anything in justification or explanation of combinations of this character, as they have become a part of the established common law of the West, and are based upon that fundamental element of democracy—popular will, and the first law of nature—self-defence." *St. Peter's Courier*, April 26, 1855.

The chief service of these organizations was rendered in connection with the land sales. Through them agents were appointed to represent the settlers at the sales in order to bid in the tracts occupied by them. A sufficient number of settlers was present to intimidate speculators from bidding. Very often in a new community a terrible state of affairs grew up because of the presence of claim jumpers. At such times the members of a Claim Association formed a vigilance committee to arrest the violators of club law who in many cases were accorded an impartial trial but frequently they were treated with scant courtesy, to say the least.[10] In most cases squatters felt perfectly secure on their claims through the operation of the "conventional law," yet they felt that a condition which compelled them to resort to anti-legal combinations and force was unfortunate and dangerous.[11] There was a fundamental difference in the attitude of the old States and the new towards land legislation.[12] The former desired laws which should check a rapid movement of population from the East to the West while the latter desired to offer every possible inducement. The Western man claimed that the Eastern point of view was dictated by selfishness and jealousy and the lack of knowledge of Western conditions. "The old States want the land in the new to bring the highest possible price," said a senator from the West,[13] "that they may have annually more money packed over the mountains to be spent among them on their wharves, light-houses, buoys, and breakwaters, and the Lord knows what."

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[7] *Minnesota Chronicle and Register*, March 9, 1850.

[8] Senator Lyon, of Michigan, Jan. 29, 1838. *Cong. Globe*, 25 Cong., 2 Sess., Ap. 138. See also speeches of Senators Norvell, of Michigan, Jan. 27, Fulton, of Arkansas, Jan. 29, and Benton, of Missouri, Jan. 30, 1838. *Ibid.*, Ap. 129, 136, 143.

[9] Compare the Eastern attitude as represented by Senator Davis, of Massachusetts. . . . "They are banded and associated together to resist the laws of the United States, and to maintain their claims against all opposition. They have constitutions, as they term them; and for what? . . . To set at defiance the title of the United States to their own property." Feb. 9, 1837. *Cong. Debates*, 24 Cong., 2 Sess., 767, 768. See also speech of Representative White, of Kentucky, May 26, 1840. *Cong. Globe*, 26 Cong., 1 Sess., 420.

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[10] Western papers contain many accounts of the operations of Claim Associations. See *Minnesota Daily Pioneer*, Feb. 27, 1850; Sept. 11 and 12, 1854; March 15 and 21, 1855; *St. Paul Daily Times*, Feb. 13, 1859; *The Minnesotian*, Jan. 24 and July 17, 1852; *Minnesota Statesman*, Aug. 5, 1859; *Saint Peter's Courier*, Aug. 16, 1855; *Omaha Nebraskian*, Feb. 25 and Aug. 19, 1857; *Weekly Western Argus* (Wyandotte City, Kansas Territory), Feb. 4, 1860.

[11] *Hawkeye and Iowa Patriot* (Burlington), Jan. 25 and March 4, 1841; *Iowa Territorial Gazette and Burlington Advertiser*, Jan. 4, 1840, and Feb. 27, 1841.

[12] See Wellington, *The Political and Sectional Influence of the Public Lands 1828-1842*, Chapter 1; Colgrove, *The Attitude of Congress toward the Pioneers of the West from 1789 to 1820. The Iowa Journal of History and Politics*, VIII, No. 1, especially pp. 7-34 (Jan., 1910); also *The Attitude of Congress toward the Pioneers of the West 1820-1850. Ibid.*, IX, No. 2 (April, 1911).

[13] Sevier, of Arkansas, Jan. 16, 1841. *Cong. Globe*, 26 Cong., 2 Sess., Ap. 65.

There were several reasons why the more conservative States of the East were opposed to such a great change in the land policy as pre-emption implied. They were unwilling to accelerate the growth of an already rapidly developing section whose social, political, and economic interests were so vastly different from their own. The Eastern farmer felt the pinch when the call of cheap land attracted his sons and neighbors to the West and the competition of Western lands and products reduced the value of his farm and lowered the prices of his crops. The business man of the seaboard felt the influence of westward migration in his diminished earnings caused by the resulting higher wages paid to his employees in order to induce them to remain at home. The power of the West in the legislative councils of the Nation was becoming increasingly great; Western democracy had already overturned many cherished political, social, and religious traditions of the East. It was natural, therefore, to oppose a policy which would tear down the East in order to build up the West.[14]

The land question has always been closely connected with the problem of immigration.[15] In all sections of the country, but especially in the East, native Americans have been alarmed at the increasing number of aliens, different in language, customs, religion, and political ideas, who have perceptibly altered the structure of American society and institutions. Eastern congressmen sounded the alarm against a liberal land system which would invite to this country "all the ends of the earth, the bandit of the Appenines, the mercenary Swiss, the hungry loafer of the cities of the Old World, the offal of disgorged jails, penitentiaries, and houses of correction of foreign countries." [16]

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[14] See speeches of Senator Preston, of South Carolina, Jan. 7, 1841. *Cong. Globe,* 26 Cong., 2 Sess., Ap. 42-44; Mangum, of North Carolina, Jan. 11, 1841. *Ibid.,* Ap. 48-51. Resolutions of the Legislature of North Carolina. *House Journal,* 26 Cong., 2 Sess., 234, 235.

[15] See, for example, *Boston Atlas,* Jan. 28, 1841; Philadelphia *North American,* Jan. 15, 1841; *Daily Republican Banner* (Nashville), Jan. 21 and Feb. 8, 1841; speech of Merrick, of Maryland, Jan. 27, 1838. *Cong. Globe,* 25 Cong., 2 Sess., Ap. 130, 131.

There were, however, men in the old States who were able to reconcile liberal land legislation with sectional loyalty. They understood that the faster the West could be settled and cultivated, and the more independent and thrifty the settlers, the greater would be the demand for the market of the seaboard.[17] They also recognized that the principal cause of the high standard of labor in the United States in comparison with that of other countries was due to the ample territory from which subsistence might be drawn.[18] The increase of immigration and of the urban population convinced certain labor leaders and philanthropists that a liberal administration of the laws would improve the conditions of the laboring classes by drawing off the surplus population.[19] The existence of large numbers of squatters on the public domain organized into associations defying the law opened the eyes of some to a dangerous situation and the need for a change.

From the beginning of the century the right of pre-emption had been granted to certain individuals and to settlers in restricted areas in the form of relief measures.[20] The principle was gradually extended until, in 1830, Congress enacted the first general prospective pre-emption law which was to remain in force one year. Although this law, with modifications, was renewed from time to time, nothing but a permanent law would satisfy the West.

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[16] Speech of Mangum, of North Carolina, Jan. 11, 1841. *Cong. Globe*, 26 Cong., 2 Sess., Ap. 48.

[17] *New York Weekly Tribune*, May 15, 1852.

[18] Speech of Hamlin (Me.), July 8, 1846. *Cong. Globe*, 29 Cong., 1 Sess., 1072.

[19] See Commons et al. (eds.), *Documentary History of Industrial Society*, VII., 288 seq. and VIII., 21 seq.

[20] Sato's *History of the Land Question in the United States. Johns*

The leader of the movement for such a law was Thomas Hart Benton, of Missouri. Although a native son of North Carolina and a representative of a slave State, Benton was a true Western man and a strong nationalist. He was one of the first two senators from Missouri, and within three or four years after his election he introduced his first permanent pre-emption bill.[21] Although voted down time and again, he kept his measure before the Senate until it was finally placed on the statutes almost a score of years later.

As a companion measure, which he first introduced in 1826,[22] Benton pressed a graduation bill which provided that the price of the public lands should be graduated according to the number of years they had been in the market until the lowest price of twenty-five cents per acre was reached when they were to be donated in lots of eighty acres to actual settlers.[23]

Naturally Benton encountered the greatest opposition to his pre-emption measure from Eastern senators, and especially those from New England where the manufacturing interests desired cheap labor, a dense population, and a

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Hopkins Studies, Vol. IV., gives an account of the early pre-emption acts. Before the existence of the national domain certain States, notably Pennsylvania, had granted credit and relief measures to settlers on waste lands, which served as precedents for later legislation. A. C. Ford, *Colonial Precedents of Our National Land System as It Existed in 1800*. *Bulletin of the University of Wisconsin*, No. 352, 123 seq.

[21] Meigs, *The Life of Thomas Hart Benton*, 165; Wellington, 6 seq.

[22] Meigs, 165-167.

[23] See below.

protective tariff. The connection between the public lands and the tariff was very close. The stream of revenue which flowed into the national treasury from the custom houses and land offices in the later twenties and early thirties bore witness to the prosperity of the country and warned statesmen that they would soon be confronted with the problem of a surplus. As early as 1829 President Jackson recommended a law providing for a distribution of the surplus when it should become a reality;[24] but public men were chary of the financial question, as it involved two great interests of the country: the tariff and the public lands. To lower the tariff was to incur the enmity of the manufacturing interests of the East; to stop the sale of the public lands was not to be tolerated in the West; and to give them away was equally odious to the East and South.[25]

It was under such circumstances that, by a political manœuver engineered by Clay's political enemies in the Senate, the public land question was, in 1832, referred to the committee on manufactures of which Clay was chairman.[26] In the very able and convincing report submitted to the Senate Clay attempted to demolish the arguments in favor of the rival land schemes and then made an eloquent plea for the distribution of the sales of the public lands among the States according to their federal ratio.[27] Branding as false the charge that he was hostile to Western interests, he declared that what the Western people wanted was a more liberal expenditure of the land revenue among them and not a change in the system. Turning to the nullifiers and extreme State rights men, he described the State governments and the federal government as two in form and one in substance and the public domain as one of the bonds of union. Why, therefore, he asked, should not the federal government go to the relief of the States in their hour of financial need and distribute revenues derived from the sales of the public lands, a form of revenue entirely different in nature from that derived from taxation?

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[24] First annual message, Dec. 8, 1829. Richardson, *A Compilation of the Messages and Papers of the Presidents*, II., 452. Jackson did not express his opinion as to the constitutionality of such a measure, but suggested a constitutional amendment if, in the opinion of Congress, such a law was contrary to the Constitution. Cf. Dewey, *Financial History of the United States*, 217 seq.

[25] The relation of the public lands to the tariff from 1828 to 1833 is discussed by Professor Wellington in his *Political and Sectional Influence of the Public Lands*, 1828-1842, Chapter 2, and in American Historical Association, *Report* for 1911, I., 179-185, and by J. C. Ballagh in *Ibid.*, 1898, pp. 221-263.

[26] Clay to Brooke, March 28, 1832. Colton, *The Private Correspondence of Henry Clay*, 330, 331.

Clay's report was in the nature of a compromise and it was a very clever one. He had taken care not to heat a furnace for his foes so hot that it might singe himself and he had devised a scheme to maintain a protective tariff—highly pleasing to the manufacturing interests—in spite of a surplus revenue and at the same time to enlist the support of the friends of internal improvements, especially in the West.

For the next ten years Clay's land policy was the target for the most ruthless opposition from Benton who attacked it because it was incompatible with his plan to reduce the price of public lands in favor of actual settlers, and because it would mean a revival of a heavy tariff which would fall most heavily on the planting, grain-growing, and provision-growing States.[28] He also believed it was unconstitutional and violated the cession agreement of the original States.

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[27] Colton, *The Works of Henry Clay*, V., 487-515; Schurz, *Henry Clay*, I., 371; Benton, *Thirty Years' View*, I., 276. E. G. Bourne in his *History of the Surplus Revenue of 1837* (pp. 10, 11) mistakes the circumstances of the report. He says that the friends of distribution cleverly got the question of the public lands referred to the committee on manufactures because the committee on public lands was made up of men hostile to the "American System."

Benton's followers were, of course, hostile to distribution, and the hostility was especially marked in the newer sections of the West where it was believed that in their eagerness to secure large shares of the land fund for their respective States, congressmen from the old States would vote to hold up the land sales from year to year until the prices of lands would reach a high figure, thereby retarding settlement.[29]

The supporters of Clay's measure were confined mainly to those regions where a protective tariff and internal improvements were popular and where the States were burdened with heavy debts.[30] The devotees of a high tariff welcomed distribution as a means of withdrawing from the treasury a surplus which would be a strong argument for reducing the revenue by cutting down the rate of duties. The Democratic Eastern opposition to distribution attacked it as a measure hostile to State rights, a pretext for a high tariff, and a disguised assumption of State debts.[31]

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[28] Benton's Resolutions, December 27, 1839. *Cong. Globe,* 26 Cong., 1 Sess., 82, 83; speech, Jan. 6, 1840. *Ibid.,* 26 Cong., 1 Sess., Ap. 85-93; speech, March 31, 1840. *Ibid.,* 26 Cong., 1 Sess., 297.

[29] *Cong. Globe,* 26 Cong., 2 Sess., 131, 132.

[30] There is a great mass of material proving this point. A few of the more important references are cited: Resolutions of the New York Assembly, *House Journal,* 27 Cong., 1 Sess., 99, 100; Mass. Legislature, *Ibid.,* 165, 166; Connecticut Legislature, *Ibid.,* 195, 196; Rhode Island Legislature, *House Journal,* 26 Cong., 2 Sess., 345; Vermont Legislature, *Cong. Globe,* 26 Cong., 1 Sess., 322; Delaware Legislature, *Senate Documents,* 26 Cong., 2 Sess., Doc. No. 143; Pennsylvania Legislature, *Ibid.,* Doc. No. 142; Maine Legislature, *Niles' Register,* LX., 21; Message of Gov. Seward, of N. Y., 1839, 1840 and 1842. G. E. Baker (ed.), *Works of Wm. H. Seward,* II., 321, 417; Message of Gov. Davis, of Mass. *National Intelligencer,* Sept. 14, 1842.

[31] See particularly the New Hampshire opposition: Resolutions of

Distribution had an advantage over pre-emption in that it had a genuine popularity in two large sections of the country. A combination of protection and distribution was a good working basis for Eastern and Western Whigs. The seven or eight years following the panic of 1837 were very gloomy, particularly for the West where internal improvements had been undertaken, and it was felt that it was no more than just that the States in which the public lands were situated should share in their proceeds in order to bolster up their tottering finances. Moreover, many Westerners desired protection for their infant industries.[32]

Distribution had its enthusiasts in great number in the East and West, but with the exception of the high tariff sugar planters in Louisiana, certain protectionists in other districts, and the friends of internal improvements, especially in North Carolina, the South was generally hostile to it.[33] The cotton planter—the real power in Southern

the Legislature of N. H. *House Journal*, 27 Cong., 1 Sess., 194, 195; *Ibid.*, 27 Cong., 3 Sess., 203, 577; *Senate Documents*, 26 Cong., 1 Sess., Doc. No. 27; speeches of Levi Woodbury. *Cong. Globe*, 27 Cong., 2 Sess., 372, 955; see also *Ibid.*, 27 Cong., 3 Sess., 157; speeches of Atherton. *Ibid.*, 27 Cong., 2 Sess., 374.

[32] From a mass of material on these points the following may be cited: Circular from Whig Committee, Address to the People of Illinois, March 4, 1843. Nicolay and Hay, *Lincoln's Works*, I., 75, 76; Message of Gov. Wallace, of Indiana, in *National Intelligencer*, Jan. 2, 1841; Message of Gov. Corwin, of Ohio. *Ibid.*, Dec. 31, 1840; Resolutions of Kentucky Legislature. *Senate Documents*, 26 Cong., 2 Sess., Doc. No. 115; also *House Journal*, 26 Cong., 2 Sess., 236, 237; Clay's speech. *Cong. Globe*, 27 Cong., 2 Sess., 353; Memorial of Citizens of Ohio. *Cong. Globe*, 26 Cong., 1 Sess., 322.

[33] Phillips, *Southern Whigs*, *Turner Essays*, 214; *National Intelligencer*, April 13, 1843; *Richmond Whig*, Aug. 10 and 13, 1841; *Augusta* (Ga.) *Chronicle*, quoted in *National Intelligencer*, Oct. 28, 1842, and Oct. 11, 1843; Whig Convention at Raleigh, N. C., *National Intelligencer*, April 12, 1842; *Baltimore American*, July 17 and Dec. 18, 1841, Jan. 6 and March 28, 1842; *The Floridian* (Tallahassee), Feb. 19, 1840;

politics—was generally found in opposition to any policy which leaned toward a high tariff.[34] Of course, men who trod in the foot-steps of Calhoun, besides their low tariff scruples, could not reconcile a measure so closely related to the assumption of State debts with their interpretation of the Constitution.[35]

Land

Those familiar with the bitter political enmity between Clay and Calhoun need not be told that the great nullifier was an ardent opponent of distribution.[36] If the lands belonged to the States in their united federal character, argued Calhoun, then the federal government was their agent and could not distribute the proceeds for their individual use, because the fund was derived from property held in their united and federal character. If, on the other hand, the lands belonged to the States individually and separately, then the government not only had the right but was bound to apply the revenue to the separate use of the States. But

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North Carolina Standard, Jan. 13, 1841; *Richmond Enquirer*, Dec. 7 and Feb. 19, 1841; *New Orleans Bee*, quoted in *Niles' Register*, LXII., 243, 244.

[34] Phillips, *Southern Whigs*, 215.

[35] "It is a measure having for its end the taxation of the planting interests of the South to give it as a bounty to the manufacturers of the Eastern states. The distribution policy is the revival of a worse system of taxation than the 'tariff of abominations.'" *The Mississippian*, April 30, 1841. Congress has no power to divert any portion of the "common fund," for the common purposes of the Union, to satisfy the demands of the separate states. This money deducted from the treasury must be replaced by some means and this will be a protective tariff. *Richmond Enquirer*, Jan. 7, 1841. "Resolved that distribution is an impolitic, unauthorized and unconstitutional waste of the public money, degrading sovereign states into pensioners of the Federal government and furnishing a fraudulent pretext for a tariff." Adopted at Democratic meeting at Charleston, S. C. *Richmond Enquirer*, June 11, 1841. These are typical of the sentiment in the South.

[36] Calhoun's speeches on distribution, Jan. 23 and Aug. 24, 1841, in his *Works* (ed. by Crallé), III., 560-583; IV., 13-43.

he concluded that the latter alternative could not be true because, according to the cession agreements, the lands were held as a common fund, and the lands lying within the Louisiana Purchase and Florida had been purchased out of the common fund.

After reading Calhoun's correspondence no one can doubt that he earnestly desired the nomination for the presidency both for his own sake and for his country.[37] There is no reason why he should not have had that ambition; he stood for a certain type of government which he was anxious to set in practical operation. But he knew he could not attain that high station by means of Southern popularity alone. By a series of measures skillfully harmonizing the interests of the South and West he might cement the bonds of political friendship between those sections and thereby ultimately reach the goal. Calhoun was a keen political observer and he saw that the vigorous, enthusiastic, and expanding West was dissatisfied with the land system. The West was uneasy at the thought that at some future date Congress might raise the price of public lands and thereby retard settlement and development.[38] Neither did Western States relish the idea of having millions of acres of unsettled and untaxable

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[37] Chapter [illegible] of Wellington's *Influence of the Public Lands* contains some interesting and valuable information about Calhoun's motives and political wire-pulling. See also Hunt, *Calhoun*, 247, 249; Ambler, *Ritchie*, 156; Dodd, *Statesmen of the Old South*, 133, 134, 140.

[38] *Cong. Globe*, 26 Cong., 2 Sess., Ap. 64 seq. In the session of Congress, 1829-1830, Senator Foot, of Connecticut, submitted a resolution calling on the committee on public lands to inquire into the expediency of limiting for a certain time the sales of public lands to those then in the market, suspending surveys, and abolishing the office of surveyor-general. It drew the sharp fire of Benton and other Western senators who charged that in their desire to secure cheap labor the manufacturing interests of New England were ready to sacrifice the West. See Benton, *View*, I., 130-143, and Wellington, *Influence of the Public Lands*, 26 seq.

land within their boundaries.[39]

Next to that of the currency Calhoun regarded the question of the public lands "the most dangerous and difficult of all which demands the attention of the country and the Government."[40] Neither distribution nor pre-emption, in his judgment, would correct "the disordered action of the system" because "the disease lies in ownership and administration; and nothing short of parting with both can reach it." The great increase in the public domain, he thought, made it a dangerous instrument in the hands of the general government.

Consistent with his ideas on State sovereignty, Calhoun, in 1837,[41] introduced in the Senate a bill proposing to cede the public lands to the States in which they were situated on condition that a certain percentage of the proceeds of the land sales should be paid into the federal treasury.[42] This

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[39] Besides large tracts of unsold land which, of course, were not taxed, the states could not tax lands until five years after the day of purchase from the government. This arrangement was first put into effect by the Ohio Enabling Act of 1802 and became one of the conditions for the admission of public land states. Treat, *National Land System*, 110 seq. For Western agitation in favor of removing this restriction in the years 1840 to 1850 see *Cong. Globe*, 26 Cong., 1 Sess., 203, 369, 425, 426, 474; *Ibid.*, 27 Cong., 2 Sess., 153, 347; *Ibid.*, 27 Cong., 3 Sess., 294, 295; *Ibid.*, 29 Cong., 1 Sess., 279, 350; *Ibid.*, 29 Cong., 2 Sess., 52, 121, 217.

[40] Speech Jan. 12, 1841. *Cong. Globe*, 26 Cong., 2 Sess., Ap. 52-56.

[41] Feb. 7, 1837. *Cong. Debates*, 24 Cong., 2 Sess., 729 seq.; *Calhoun's Works*, II., 636-659. The scheme was not original with Calhoun, as it had been advocated in Congress as early as 1826. See *House Journal*, 19 Cong., 1 Sess., 592, May 18, 1826; *Cong. Deb.*, 19 Cong., 1 Sess., 761, 762; *Calhoun's Works*, III., 160; Wellington, *Influence of the Public Lands*, 7, 16, 17.

[42] The bill proposed that the states must agree to pay 33⅓% (changed to 50% and 65% in subsequent bills) of the gross sales to the United States. The minimum price of the lands was to remain at $1.25 per acre until Jan. 1, 1842, when a graduation scheme should go into effect. The system of surveys was to remain the same. *Calhoun's Works*, II., 634-36.

measure was urged on the grounds that it would remove an immense amount of federal patronage, counteract centralization, relieve Congress from a tedious and troublesome problem,[43] and remove the cause of friction between the old and new States.[44] In his speech on this occasion Calhoun declared that he had "always seen that there was a period coming when this Government must cede to the new States the possession of their own soil; but he had never thought till now that period was so near. What he had seen this session, however, and especially the nature and character of the bill which was now likely to pass, had fully satisfied him that the time had arrived. There were at present eighteen Senators from the new States. In four years there would be six more, which would make twenty-four. All, therefore, must see that in a very short period those States would have the question in their own hands." [45]

Calhoun's measure was characterized by Senator Niles, of Connecticut, as a "grand new land scheme, thrown into the Senate like the golden apple of discord." [46] Buchanan, of Pennsylvania, pronounced it "the most splendid bribe that had ever yet been offered. It was to give the entire public domain to the people of the new States without fee or reward." [47] . . . Benton, speaking in opposition to the proposition, reminded the senators that "we were now within less than three years of the period for taking the new census. . . . By that time we should probably have three new States: two on the Mississippi, and one on the Gulf of Mexico; while the representation of the new States already in the Union would be greatly enlarged. . . . The West would settle this question of the public lands just as it pleased. . . . In three years more they could write their own terms, and lay them on the table of the Senate."[48] Benton's colleague, Linn, took a different view. . . . "While the process of forming new States was going on, and the representation in Congress of new States already existing was rapidly augmenting, it ought not to be forgotten," he said, "that the number of old States was also increasing, and that, consequently, the representatives who were in favor of the interests of the old States were becoming more numerous. Ohio, Indiana, Illinois, and others, would soon be among the list of old States, and their influence would be exerted accordingly."[49]

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[43] Report of committee on public lands on cession, Senator Norvell, of Michigan, chairman, May 13, 1840. *Calhoun's Works*, V., 217. "It would probably diminish the business of Congress a third or a fourth, and shorten the sessions in the same proportion, and if followed up by other measures originating in the same spirit, the evil may be kept within reasonable bounds, notwithstanding our great and rapid growth."

[44] Calhoun declared that distribution would foster the very things cession was designed to remove.

[45] Feb. 7, 1837. *Cong. Deb.*, 24 Cong., 2 Sess., 735.

[46] Feb. 7. *Ibid.*, 735.

[47] Feb. 7. *Ibid.*, 731.

Calhoun's scheme was indeed an apple of discord; as a political move it was quite clever and Calhoun has had few superiors in the game of politics. Although cession was naturally odious to those States—North and South—having no public lands, as it deprived them of a voice in the administration of the public doman,[50] those on the "inside" knew that by the terms of the bill the hands of the land States were pretty securely tied. In the South it was feared less than Benton's "humbug" pre-emption scheme and to Clay's opponents it was less fatal to a low tariff than distribution.[51] To some it seemed that Calhoun had outbid Benton in the game of generosity to the West.

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[48] Feb. 7. *Ibid.*, 733. Compare speeches of Sevier, of Arkansas, Jan. 16, 1841. *Cong. Globe*, 26 Cong., 2 Sess., Ap. 64-67, and Davis, of Indiana, April 3, 1846. *Ibid.*, 29 Cong., 1 Sess., 601-603.

[49] Feb. 7, 1837. *Cong. Deb.*, 24 Cong., 2 Sess., 734. See also speeches of Smith, of Indiana, Jan. 14 and 15, 1841. *Cong. Globe*, 26 Cong., 2 Sess., Ap. 67-74, and White, of Indiana, Jan. 19, 1841. Ap. 74-78.

[50] Resolutions of the Legislature of Kentucky. *Senate Documents*, 26 Cong., 1 Sess., Doc. No. 305; Resolution of the Legislature of New York. *House Journal*, 27 Cong., 1 Sess., 99, 100; *Charleston Courier*, Aug. 21, 1841; *The Madisonian*, quoted in *National Intelligencer*, Dec. 1, 1840; *Niles' Register*, LIX., 221, 222.

Although, as Wellington says, "nothing was more natural than that the South and West should draw together to make a political alliance, at this time, against their common enemy, the Northeast,"[52] Calhoun's relinquishment scheme failed in its purpose. No doubt the bill gained Calhoun many friends in the West where Governor Edwards, of Illinois, who, besides being a personal friend of Calhoun, was opposed to a strong centralized government and eager to unite his section with the South in opposition to the Northeast, had recommended the measure in his message to the Legislature in 1828, but the popularity was more apparent than real.[53] In the first place, the details of the bill were framed in order to restrict as much as possible the public land States in the administration of the lands; second, a very large percentage of the land revenue had to be turned over to the federal treasury; third, it contained no provision for pre-emption; and, fourth, granting that the transfer of the title and administration of the land to the States was a wholesome concession to the West, the great opposition to this feature in the East made its chance of becoming a law very doubtful.

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[51] There is much newspaper material on this point. See communications to the *Charleston Courier*, May 27, June 8 and 10, 1841; *New York Courier and Enquirer*, quoted in *Ibid.*, June 9, 1841; Address of the Whig Young Men's State Convention of New York, *New York Weekly Tribune*, Oct. 1, 1842.

[52] Wellington, *Influence of the Public Lands*, 18.

[53] *Ibid.*, 14 seq.; *Raleigh Register*, quoted in *National Intelligencer*, Oct. 26, 1842; *Reports made to the House of Representatives of the State of Illinois*, Twelfth General Assembly, Nov. 26, 1840, pp. 10, 19-27, 29-35; Resolutions of the Legislature of Arkansas, *Cong. Globe*, 26 Cong., 1 Sess., 92; Legislature of Alabama, *Ibid.*, 224; *New York Herald*, Washington Letter, quoted in *Republican Banner* (Nashville), Jan. 30, 1840; Gov. Woodbridge's Message to Michigan Legislature *Democratic Free Press* (Detroit), March 18, 1840; Speech of Grundy, of Tennessee, March 4 and 5, 1840. *Cong. Globe*, 26 Cong., 1 Sess., Ap. 225, seq. See also Wellington, *Influence of the Public Lands*, 58 seq.

Notwithstanding the fact that Calhoun's bill never mustered a majority vote in Congress, it remained a topic of newspaper discussion and debate in Congress for twenty years.

From this brief survey it is evident that as the election of 1840 drew nigh the disposition of the public lands was destined to figure very prominently in the selection of candidates and in the verdict of the voters. All public men knew that the West had its ear to the ground; the "hard times" following the panic of 1837 had put it in no mood to be trifled with. The West had the public lands and it had the votes.[54]

[54] See Wellington, *Influence of the Public Lands*, 75.

CHAPTER II

THE INFLUENCE OF THE PUBLIC LANDS IN THE ELECTION OF 1840

THE interests of the American people are so varied that the task of the historian in seeking out the "decisive issues" in presidential campaigns is vexatious and discouraging. Especially is this true of the log cabin and hard cider campaign of 1840, when one party nominated a candidate whose principles were unknown and adopted no platform and the other party, by virtue of unfortunate domestic conditions, was reduced to the defensive in meeting attacks from all sides, which were framed so as to make counter attacks of little effect.

The Democratic party came out squarely in favor of pre-emption. It adopted a platform which declared specifically for pre-emption and it re-nominated a candidate who was known to favor it.[1] Moreover, one of the most influential senators in the party had been a life-long advocate of pre-emption and the Democratic majority in Congress had repeatedly put itself on record in its favor.[2]

The Whigs in the Harrisburg convention passed over their great leader and logical candidate and named a man whose evasive political utterances were drowned in a chorus of lusty hurrahs for the hero of Tippecanoe. The victims of "Democratic hard times" in all sections were invited to cast their ballots for the veteran Indian fighter of the West. Four years before he had written a letter in which he said he was "perfectly reconciled to the distribution of the proceeds of the public lands as provided for by the bill introduced by Clay."[3] He also declared that he had always been the advocate of that mode of disposing of the public lands which would "create the greatest number of free holders." In his opinion the present land system was satisfactory, since a tract of reasonable size was "easily attainable by any person of tolerable industry." Owing to the great opposition to the cession scheme, he saw "no probability of it being adopted" and he thought "it ought no longer to be insisted on." Considering the importance of the public land question and the multi-colored composition of the Whig banner, it was thought safer to nominate a man whose declarations were so guarded than Henry Clay whose stubborn opposition to pre-emption had offended the settlers of the West.[4]

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[1] Wellington, *Influence of the Public Lands*, 66 seq.

[2] *Ibid.*, 56 seq., and Chapter 4.

During the campaign the Whig speakers and papers had little to say on the public land policy and when they did venture into this dangerous field, their words were tempered to the section to which they were addressed. Distribution was a distinct asset to the Whigs in those States where there was both a large debt and a sentiment in favor of a high tariff.[5] It was natural and it is quite probable that the party having the support of men with the well-known principles of Clay and Webster had the sympathy of capital. At least the Democrats were known to be opposed to distribution and the assumption of State debts.[6]

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[3] Letter to Sherrod Williams et al. *National Intelligencer,* July 28, 1840. Also printed in the *Extra Log Cabin* (Greeley's paper), Aug. 15, 1840.

[4] *Iowa Territorial Gazette and Burlington Advertiser,* June 27, 1840; *Kentucky Gazette,* April 30, 1840; *North Carolina Standard,* March 11, 1840; *Washington Globe,* June 8, 1840.

[5] Files of the *National Intelligencer* and *Daily Republican Banner* (Nashville) for 1840; *Extra Log Cabin,* Aug. 15, 1840; Clay's speech at Hanover, Va., *National Intelligencer,* July 2, 1840. The Philadelphia *North American* openly advocated distribution and so did the *Boston*

In some instances the Whigs brought up Jackson's veto of Clay's distribution measure in 1833 and insisted that as heir to Jacksonian policies Van Buren could be expected to veto any future bill embodying that principle.[7] There was also an attempt to make capital out of Clay's charge that Calhoun's reconciliation with Van Buren, shortly before his introduction in the early part of the year of a bill to cede the lands to the States,[8] meant that the measure had the backing of the administration.[9]

Realizing the difficulty of conducting a campaign against

Atlas during January and February, after which they were silent. The *Boston Courier, Richmond Whig,* and *Newark Daily Advertiser* were non-committal.

[6] Bourne, *Surplus Revenue*, 14; Stanwood, *History of the Presidency*, 200; *Cong. Globe*, 27 Cong., 3 Sess., 296; *National Intelligencer*, April 9, 1840; *Mississippi Free Trader and Natchez Weekly Gazette*, Oct. 15, 1840; *Columbus* (Miss.) *Democrat*, June 20, 1840; *Washington Globe*, Feb. 12, 1840; *Fort Smith* (Ark.) *New Era*, quoted in *Arkansas State Gazette*, Nov. 3, 1841; *North Carolina Standard*, June 10, 1840; *Richmond Enquirer*, Oct. 2, 1840; *Albany Argus*, Sept. 4 and 11, 1840; Benton, *Thirty Years' View*, II., 240-247; *Cong. Globe*, 27 Cong., 3 Sess., 295; *Ibid.*, 26 Cong., 2 Sess., Ap. 114-120. Webster was accused of having made a trip to England to secure the aid of capital.

[7] *National Intelligencer*, Jan. 11, Oct. 13 and 20, 1840.

[8] Jan. 3, 1840. Clay, *Clay*, 258, 259; Calhoun to J. E. Calhoun, Feb. 10, 1840. *Calhoun's Correspondence*, 444, 445.

[9] *National Intelligencer*, Feb. 18, 1840; *Kennebec* (Maine) *Journal*, quoted in *Ibid.*, Oct. 24, 1840; *Washington Globe*, Jan. 4, 1840. The *Poughkeepsie Telegraph*, quoted in the *North Carolina Standard*, Oct. 28, 1840, publishes the correspondence between Van Buren and his political opponents in Fishkill, N. Y., in which in answer to their query Van Buren denies that he is in favor of cession. He refers them to his message of 1837, wherein he makes clear his position on the public land question.

a party whose tactics consisted in keeping their principles in the background, the Democrats used their utmost endeavors to keep the public land question open in Congress.[10] They proposed bills and resolutions designed to draw out the sentiments of their opponents and pressed them to a vote so as to put them on record. Much sympathy was expressed for the poor down-trodden settlers and the "heartless land speculator" was painted as black as any present day congressman dare paint a "trust magnate." Jacksonian Democrat that he was, Benton and his followers held up the minority before the public eye as the friends of the money power and speculators. In order to strike at distribution and put the Whigs on record, he introduced a series of resolutions condemning the assumption of State debts.[11] Distribution of the proceeds of the sales of the public lands was stigmatized as an indirect assumption of State debts.[12] The Clay Whigs came out openly in favor of distribution and before Congress adjourned the various phases of the land question had been dragged in.[13] While Wise, of Virginia, who represented the Southern wing of the Whig coalition, was denouncing distribution as a Whig measure, Clay in the other end of the capitol was defending it. In the Senate a bill extending for two years the temporary pre-emption act of 1838 was introduced[14] and passed by a vote of 26 to 9, six Whigs, including Clay, voting in the negative with four Western Whigs in the affirmative.[15] In the House the

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[10] See John Quincy Adams's *Memoirs*, X., 297.

[11] Dec. 27, 1839. *Cong. Globe*, 26 Cong., 1 Sess., 82, 83.

[12] See, for example, speeches by Clay, of Alabama, Feb. 3, and Allen, of Ohio, Feb. 11. *Cong. Globe*, 26 Cong., 1 Sess., Ap. 125-129, 309-314.

[13] Wellington, pp. 78 seq., gives the proceedings in Congress in more or less detail, with citations.

[14] April 16, 1840. *Cong. Globe*, 26 Cong., 1 Sess., 331.

[15] April 21, 1840. *Ibid.*, 342.

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Whigs made an unsuccessful attempt to kill it in committee[16] but on the final vote many of them voted aye.[17]

The Democrats were very positive in their denunciation o the Whigs for their evasive tactics on the pre-emption bill. They claimed it as a party measure and insisted that the Whigs had forfeited whatever credit attached to its enactment.[18] Distribution was held up before the voters as a Whig measure and one which was sure to be fatal to pre-emption and graduation and a forerunner of a high tariff and extravagance in the administration of the government.[19]

The political campaign of 1840 was in many respects one of the most important in our history. The student of our public land policy must set it down as a landmark. It came at the end of a decade which wrought a great change in public sentiment relative to the public domain. The West was the prize which both parties sought to gain. This new section was opposed to the policy of using the lands as a means of producing revenue, and for a long time Congress had been constantly reminded of this fact through numerous memorials of State legislatures and petitions of citizens.[20] The Whigs by laying emphasis on the deplorable financial condition of the country, by harping on the need of a "change," and by eulogizing their candidate as a great military hero and successor to Jacksonian simplicity, succeeded in uniting the various elements of opposition to Van Buren and won the battle. In spite of their clear-cut public land policy, the Democrats went down to defeat; or, perhaps it is more correct to say that because of their land policy they met disaster. The Whigs, by hedging here, condemning there, and proclaiming elsewhere, won. But their victory was superficial; in the end Benton's pre-emption policy triumphed. Much of the opposition to the Whigs in the new States must be attributed to their enmity, supp[illegible]ed and real, to the extension of the right of pre-emption. The Democrats carried the new States of Arkansas, Illinois, Missouri, and the territorial election in Iowa.[21] In the other sections of the country the defeat of Van Buren's platform was far from a rout. That the shifty Whig public land policy had failed was demonstrated when Congress assembled the following year. The piercing eyes of Calhoun saw this when a few weeks after election he predicted that the fate of the coming administration rested on the public land question.[22]

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[16] May 20, 1840. *Ibid.*, 405, 406. Jacob Thompson, of Mississippi, from the committee on public lands, explained that there was a deadlock in the committee—4 to 4—and that there was a disposition on the part of the opponents of the bill in the committee to bury it. In order to get the bill before the House the friends of the bill agreed to recommend that it should not pass. He hoped the House would reject the recommendation of the committee. The Whigs tried other means to evade the issue.

[17] May 26, 1840. Final vote 126 to 46. *Ibid.*, 420, 421.

[18] *Washington Globe*, June 8 and 11, 1840; *Arkansas State Gazette*, June 24, 1840; *Albany Argus*, June 19, 1840; *Richmond Enquirer*, Sept. 29, 1840; *New Haven Register*, quoted in *North Carolina Standard*, April 29, 1840; *Mississippi Free Trader*, Sept. 10, 1840; *Iowa Territorial Gazette and Burlington Advertiser*, Oct. 3, 1840.

[19] *Richmond Enquirer*, June 25 and July 14, 1840; *North Carolina Standard*, March 11, 1840; *The Floridian*, Oct. 17, 1840; *Kentucky Gazette*, April 2, 1840; *Arkansas State Gazette*, Oct. 21, 1840. Citations above.

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[20] Sato, *Land Question*, 130; Meigs, *Benton*, 163.

[21] *Iowa Territorial Gazette and Burlington Advertiser*, Oct. 17, 1840; *Daily Missouri Republican*, March 19, 1840.

[22] Calhoun to Burt, Jan. 21, 1841. *Calhoun's Correspondence*, II., 472.

CHAPTER III

THE DISTRIBUTION-PRE-EMPTION ACT OF 1841

THE victory of the Whigs proved to be their undoing. When the country sobered down after the hard cider dissipation, as the Democratic papers sarcastically termed it, it became apparent that the Whigs were in for a stormy time. The Harrison leaders, as Calhoun said, were determined that his administration should commence before his inauguration.[1] As soon as Congress convened the Democrats under the leadership of Benton and Calhoun proceeded to show up their hypocrisy, as they called it, during the campaign. They claimed that the West in voting for Harrison did so believing that he was a friend of pre-emption.[2] "Was not every stump worn smooth by Whig orators in trying to convince the people that General Harrison was the real friend of the West?" asked Senator Sevier, of Arkansas.[3] "Did they not show from a history of his public life that he had always voted for both pre-emption and graduation bills? Did they not also show that his competitor had so late as 1828 voted against these measures?" Benton insisted that the Whig promises should be translated into action when shortly after Congress convened he introduced his "Log Cabin bill" which provided that the head of a family, widow, or single man over eighteen years, who settled on the public lands to which the Indian title had been extinguished, whether surveyed or not, or who had resided on the public lands since June 30, 1840, should have the right to pre-empt a quarter section of land at the minimum price of $1.25 per acre, provided he built a log cabin and made improvements on it.[4] Benton declared that the time was particularly favorable to such a bill, since all parties and their candidates had favored it during the campaign.

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[1] Calhoun to Burt, Jan. 24, 1841. *Calhoun's Correspondence*, 473.

[2] *Washington Globe*, Dec. 14, 1840 and Jan. 11, 1841; *Iowa Territorial Gazette and Burlington Advertiser*, Jan. 23, 1841; *North Carolina Standard*, Jan. 20, 1841; Helena (Ark.) *Democrat*, quoted in *Arkansas State Gazette*, Jan. 13, 1841; *The Mississippian*, Jan. 22, 1841; Wash. Corr., *Daily Georgian*, Jan. 21, 1841.

[3] Jan. 16, 1841. *Cong. Globe*, 26 Cong., 2 Sess., Ap. 67.

If Benton's purpose was to "un-cabin" the Whigs, as the *Washington Globe* put it, he was not wholly successful. The Whigs were not ready to take decisive action on a matter of such importance as the public lands; they needed time to shape their tariff, internal improvements, and financial policies before committing themselves on the land policy. However, it was no easy thing to evade an issue formulated and pressed by Benton. Clay had always opposed pre-emption, but if such a law was inevitable, he wanted it coupled with a distribution measure.[5] If a pre-emption law should be enacted at this session of Congress, he knew it would be very difficult to re-open the land question later. Furthermore, Clay was not any too friendly to the foreign-born population. His speeches and correspondence show that he believed that this element of voters had become so saturated with the doctrines of Andrew Jackson that they had voted against the Whig ticket in the past and could be expected to do so in the future. It is certain that a liberal pre-emption law was sure to attract foreigners to our shores. For these reasons Clay came out openly and led the opposi-

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[4] Dec. 14, 1840. *Ibid.*, 12, 14, 15.

[5] See Washington Corr., *Mobile Daily Commercial Register and Patriot*, Jan. 22, 1841; *National Intelligencer*, Feb. 4, 1841.

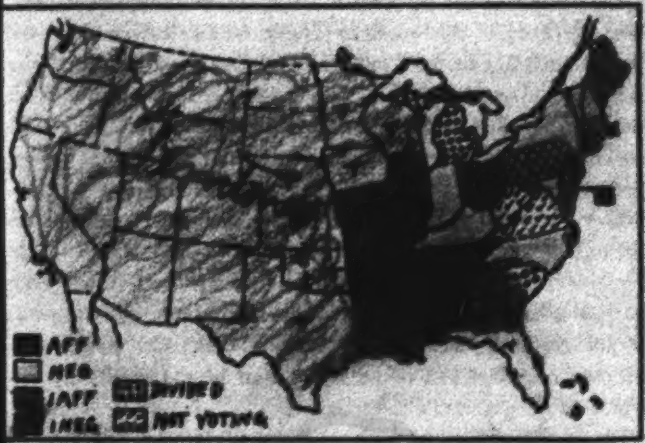
Jan 6 '41 tion.[6] He praised the existing land system and predicted that a pre-emption system would reduce the federal revenue and be productive of fraud. He also thought that the squatters could be restrained if the government took a firm stand against them. He recommended that legislation of such importance be delayed until the incoming of the next administration.

The Whig opposition was the signal for a veritable torrent of abuse from the Democrats. "The farce is over—the humbuggery is finished—the gourds, the coon-skins, the log-cabins, the poor men, are all kicked to the dogs," exclaimed the *Washington Globe*.[7] Jan 11 "Federalism has accomplished its object, and has returned to its instincts—to its instinctive hatred of the laboring man, and all that contributes to aid and assist him in the support and advancement of his party. The discussion of the pre-emption bill has done this—has uncabined the log cabin Federalists, and has exhibited the city architects of these sylvan edifices as adding insult to injury—as adding injustice to mockery—and now utterly refusing the real inhabitants of the log cabins in the woods the small privilege of protecting their homes from the devouring grasp of the speculator, with his roll of paper money, fresh from some privileged bank. The debate in the Senate on the pre-emption bill, from the first moment, began to uncabin those political cabin-builders before the election; and on Friday the roof was pulled entirely from over their heads, and presented them as they are now, as they have always been, and as they will forever be—the deadly enemies of the laboring classes. For a while they fought shy; they skirmished with the bill without attacking it openly; but on Friday the reserve was laid by: a direct

[6] Jan. 6, 1841. *Cong. Globe*, 26 Cong., 2 Sess., 86 and Ap. [illegible].

[7] Jan. 11, 1841.

nd deadly attack was made upon the bill, led on by Mr. Crittenden, the friend of Mr. Clay, and with Mr. Clay's un. He undertook to shoot the bill through the head with Ir. Clay's gun—with his big gun, called the distribution ill. . . . Such is the difference between *promises* before the lection, and *performance* after—such the Federal chicanery racticed upon the people."



ENATE VOTE ON CALHOUN'S CESSION AMENDMENT, JANUARY 19, 1841

Jan 8
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Immediately after Crittenden had moved his distribution mendment to the original bill,[8] Calhoun offered his cession ill as an amendment to the amendment.[9] The battle was n and the debate which ensued attracted the attention of he country.[10] Calhoun put forth his best efforts in comating the arguments of his opponents and in presenting the dvantages of his scheme. "No man, probably, could have made a better speech on the wrong side of the question," admitted the *National Intelligencer*.[11] Benton thanked Crittenden for coming out so openly in favor of restricting the income of the country and to have recourse to a high tariff. He deemed this the opening up of the whole policy of the administration.[12] In reply Crittenden said that Benton was welcome to draw any conclusion he wanted, but no special significance was to be drawn from it, as distribution had been up before the country many times before and had passed both houses of Congress and had been vetoed under notorious circumstances. The upshot of it all was that Crittenden failed in his purpose to couple distribution with pre-emption and Calhoun's amendment was voted down. Benton's "Log Cabin bill" passed the second of February, with twenty-six Democrats and five Whigs voting in the affirmative and seventeen Whigs and two Democrats in the negative.[13] The House refused to take up the bill and when the new administration was ushered in the land question was as far from settlement as ever; and that the way to its solution was destined to be rocky had been revealed by the course of events in the lower house.

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[8] Jan. 8, 1841. *Cong. Globe*, 26 Cong., 2 Sess., 90, 91.

[9] *Ibid.*, 91.

[10] Wash. Corr., *Daily Georgian*, Jan. 21, 1841.

When the Whigs nominated John Tyler, of Virginia, as a running-mate for Harrison they made a bid for the support of Southern strict-constructionist Democrats who had revolted against the autocratic rule of Andrew Jackson. Had the dominant faction of the Whig party been convinced that they could defeat Van Buren without their aid, it is probable that they would have nominated Clay and adopted a platform endorsing distribution. At Harrisburg the Whigs entered upon a conspiracy of silence. The leaders of the party had foreseen the necessity of securing Southern support in order to elect a majority in Congress opposed to Van Buren. They had worked along those lines for some time. It was expected that the Senate was to be the theatre of a close struggle between the two parties, and also between the Clay and the anti-Clay forces.[14] In Georgia,[15] Virginia,[16] and Tennessee [17] the fight over the senatorial elections was extremely close.[18] Three prominent leaders of the Southern wing of the Whig coalition were John Tyler, Henry A. Wise, and William C. Rives, all of Virginia, former Democrats, and extreme State rights men. Wise was the author of the phrase "The Union of the Whigs for the sake of the Union." In joining the coalition these men had no intention of laying aside their well-known principles. Tyler had little in common with the Northern Whigs except his opposition to Van Buren. He had been a consistent opponent of pre-emption and graduation and in 1832 he had voted against Clay's distribution bill.[19] A few weeks before his nomination at Harrisburg he had spoken in the Virginia Assembly in favor of distribution as a means of strengthening the finances of the States and of disposing of a large surplus, provided that the land fund was not needed to support the national credit in times of embarrassment.[20]

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[11] Jan. 28, 1841.

[12] Jan. 8, 1841. *Cong. Globe*, 26 Cong., 2 Sess., 91.

[13] Wellington, *Influence of the Public Lands*, 93.

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[14] *Washington Globe*, March 27, 1841; Calhoun to Clemson, Jan. 26, 1841. *Calhoun's Correspondence*, 472, 474.

[15] *The Floridian*, Nov. 28, 1840.

[16] *North Carolina Standard*, March 10, 1840.

[17] *National Intelligencer*, July 29, 1843; Scott, *A Memoir of Hugh Lawson White*.

[18] See also *Boston Atlas*, Feb. 7, 1840; Ambler, *Ritchie*, 212, 214; Hambleton, *H. A. Wise;* Clay to Brooke, Dec. 26, 1838, Colton, *Clay's Correspondence*, 434-436.

[19] Tyler, *Tyler*, II., 135, 136.

[20] Ibid., II., 137, 138. In a letter to Col. W. Robinson, dated Oct. 17, 1840, Tyler wrote that he favored distribution and the maintenance

After election both Wise and Rives—the former in the House, the latter in the Senate—were strenuous in their denial that distribution was a Whig measure and that it had been an issue in the campaign.[21] Their "insurgency" attracted wide-spread attention; it caused rejoicing among the Democrats and consternation in the Whig camp. In a letter to the *Richmond Whig*,[22] written about a month before Harrison's inauguration, Wise protested that he had not changed his policies and stood on the only ground that could be occupied by the Republican portion of the Whig party in Virginia and throughout the Union. Although the *Richmond Whig*[23] saw nothing in Wise's opposition to distribution to "un-Whig" him, as it was not one of the issues "which roused a slumbering people to drive a corrupt administration from power," yet it did not profess to understand what he meant by the "Republican portion of the Whig party." "State Right Whigs," to quote further, "approve both distribution and duties on luxuries, as wines and silks—not with the object of reviving a general system of protection, but to raise revenue to pay off the Van Buren debt, and meet the necessary expenses of the government, and with the further view of releasing the land fund to the States, nearly all of whom are in debt, and ought to have the money, and to put an end to Presidential trading in the public lands."[24]

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of the compromise tariff of 1833. Printed in *Charleston Courier*, April 20, 1841.

[21] Wise, *Wise*, 66; Tyler, *Tyler*, II., 7, 8; Wash. Corr., *Charleston Courier*, Feb. 6, 1841; Wash. Corr., *Ibid.*, Feb. 1, 1841; *North Carolina Standard*, Feb. 10, 1841; *Mobile Daily Commercial Register and Patriot*, Dec. 17, 1840; Wash. Corr., *Daily Republican Banner* (Nashville), Feb. 6, 1841.

[22] Quoted in *Richmond Enquirer*, Feb. 6, 1841.

[23] Quoted in *National Intelligencer*, Feb. 9, 1841.

[24] Cf. *Richmond Enquirer*, Feb. 2 and 6, 1841. This Democratic paper warmly approved Wise's course.

The Whigs lacked a man who could smooth over the cleavage between the rival groups. Harrison was an old man who lacked political experience and capacity. Clay's followers clamored for an extraordinary session of Congress in order to profit at once by their victory. The Southern group saw what was coming and fought it with all their might. When Harrison issued the call for an early meeting of Congress, he only hastened the inevitable split in his party.[25] He did not live to see the outcome, for before Congress convened he had fallen a victim to the treacherous Washington climate and the avarice of office-seeking politicians. His successor, Tyler, though able and sincere, was not a man to infuse harmony. His entrance into the Executive Mansion was the occasion of much speculation as to what course he would pursue. It was idle to say that he would carry out the policy of his predecessor, because no one knew what that policy was; and to say that his acceptance of the Whig nomination bound him to Clay's policies, when Clay himself had failed to secure the nomination because of opposition to his principles on the part of many Whigs, was equally absurd.

The Whig papers, with few exceptions, made no mention of his land policy, but cherished the expectation that the President would follow in Harrison's foot-steps. However, there were Whigs who were not a little worried about the new situation.[26] John Quincy Adams wrote that the influence of Harrison's death upon the condition and history of

[25] Cf. *Mobile* (Ala.) *Commercial Register and Patriot*, March 29, 1841; J. Q. Adams, *Memoirs*, X., 396; Calhoun to Mrs. Clemson, Feb. 17, 1841. *Calhoun's Corr.*, 474-476.

[26] *Arkansas State Gazette* (Little Rock), April 28, 1841; Wash. Corr., *Charleston Courier*, April 26 and May 25, 1841; *Boston Courier*, April 14, 1841; *Florida Sentinel* (Tallahassee), June 16, 1841; J. Q. Adams, *Memoirs*, X., 408.

the country could hardly be foreseen.[27] Tyler, in his opinion, was a "political sectarian, of the slave-driving Virginian, Jeffersonian school, principled against all improvement, with all the interests and passions and vices of slavery rooted in his moral and political constitution." These are the harsh words of a man traditionally hostile to Tyler, but they show the distrust in which Tyler was held by men of his own party.

Democratic papers, as a rule, prophesied a great change in the course of the Whigs with Tyler at the helm.[28] The very fact that the Whig press was speculating on the future of their party was to them an indication of their instability.[29] A few papers expected the President to be subservient to the self-appointed leader of the party, Henry Clay.[30]

The figure of the great Kentucky statesman looms up large in the situation. A man of great personality, pride, and imperiousness, nettled at the treatment he had received at Harrisburg, he might have played the part of *Major Domus* under Harrison, but in Tyler, although of much less ability than himself, he found a man whose pride was equal to his own and who resented deeply the attempt to make him a *roi fainéant.*[31]

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[27] J. Q. Adams, *Memoirs*, X., 456, 457.

[28] *Albany Argus*, April 9 and 19, 1841; *Mobile Commercial Register and Patriot*, April 19, 1841; *Columbus* (Miss.) *Democrat*, April 24, 1841; *The Floridian* (Tallahassee), May 22, 1841; *Washington Globe*, April 5 and 10, 1841.

[29] *Albany Argus*, April 13, 1841.

[30] *Charleston Courier*, April 14, 1841; Hammond, *Silas Wright*, 234.

[31] Wash. Corr., *Albany Argus*, June 19 and August 13, 1841; *Washington Globe*, Dec. 16, 17, 22 and 26, 1840; *Mobile Daily Commercial Register and Patriot*, Feb. 24, 1841; Hambleton, *Wise*, XXXII-XXXIII; Clay, *Clay*, 277; Ambler, *Virginia and the Presidential Succession, 1840-1844*, *Turner Essays*, 167-169.

Tyler's message to Congress left no room for doubt where he stood on the question of distribution.[22] It declared for a distribution of the proceeds of the sales of the public lands, "provided such distribution does not force upon Congress the necessity of imposing upon commerce heavier burthens than those contemplated by the act of 1833." A chorus of unqualified approval from the Southern Whig papers greeted the message. The *National Intelligencer*,[23] one of the few organs which had openly advocated distribution during the campaign, stamped its approval. "It meets the high expectations of friends and blights the hopes of enemies," said the *Richmond Whig*,[24] and the *New Orleans Bee*[25] enthusiastically exclaimed: "It is everything that the Whigs can desire; everything that locofocoism can detest." "The principle of distributing the proceeds of the public lands," it continued, "receives the entire approval of the president. . . . The only possible barrier to the immediate operation of such a law would be the necessity of imposing heavier burdens on commerce than those contemplated by the act of 1833." The *Charleston Courier*[26] observed that distribution was "openly and warmly recommended, but under such judicious restrictions as will impose on commerce no greater burdens than are contemplated by the act of 1833." The *New York Courier and Enquirer*,[27] on the other hand, lamented the "fact that neither the chartering of a National Bank, the distribution of the proceeds of the Public Domain, nor the passage of a Bankrupt Law, are presented as measures of the Whig party, or its representative

June 1

cf p 49
note 2

South

North

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[22] June 1, 1841. Richardson, *Messages and Papers*, IV., 47.

[23] June 3, 1841.

[24] Quoted in *Richmond Enquirer*, June 8, 1841.

[25] June 5, 1841.

[26] June 5, 1841.

[27] Quoted in *Albany Argus*, June 8, 1841.

in the administration, has produced a feeling of disappointment among our friends—a fearful apprehension that the feelings and wishes of those who have so lately achieved a reform in the government are not *fairly* represented by the successor of Gen. Harrison."

The Democratic editors professed to be unable to arrive at a correct understanding of the recommendation in the message. Some saw in it the same old non-committal Whig policy, and pronounced the sentences on distribution equivocal.[38] It was considered incongruous to advocate adherence to the tariff compromise and at the same time to recommend distribution, with the government hard pressed for funds under the present schedule of duties.[39]

It mattered little to Clay and the dominant faction in the Whig party what the "Acting President," as some of them were fond of calling him, recommended. Soon after Congress had organized it was evident that Clay was in the saddle and that he intended to drive his distribution measure through even though he might have to ride rough-shod over the wishes of the chief executive. Scant consideration was accorded the contention of the Southern members of the party that the finances of the country were in no condition for a law which would subtract such a large volume of revenue from the federal treasury.[40] It was time enough to attend to revenue and tariff bills after the land question was disposed of. "Now or never" was the time to put into effect the "fundamental" Whig measure.[41] The Clay Whigs

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South

[38] *Arkansas State Gazette* (Little Rock), June 23, 1841; *Mobile Commercial Register and Patriot*, June 9 and 14, 1841; *Columbus* (Miss.) *Democrat*, June 19, 1841; *Richmond Enquirer*, June 4, 1841.

[39] *The Pennsylvania*, June 2 and 3, 1841; *Washington Globe*, June 1, 1841; *The Floridian* (Tallahassee), June 19, 1841.

[40] *National Intelligencer*, July 8, 1841.

[41] *Ibid.*, Aug. 3, 1841.

June 2. Ewing
report for bank

brushed aside the charges of the low-tariffites that there was a plot to raise the tariff.[42] Their purpose, it was stated, was not to disturb the tariff compromise but to give a fixed character to the financial system so that the government could more exactly estimate its revenue.[43]

On the seventh of June Clay submitted to the Senate a scheme of "fundamental" Whig measures.[44] Distribution occupied a prominent place but no mention was made of the compromise tariff of 1833. Professor Wellington has shown quite conclusively that Clay and his party regarded the distribution bill as part of the same financial system as the compromise tariff;[45] but neither Clay nor his political opponents could foresee, at a time when the federal treasury was piling up a huge surplus and in all probability would continue to do so, that within less than a decade the national treasury would become bankrupt and would have need of every available source of income. The life of a tariff law in the United States is no more certain than the tenure of power of a political party. The compromise tariff was enacted under unusual circumstances; likewise the situation that confronted the country in 1841 was unusual. Reduced to its simplest terms, the fight over the distribution bill in 1841 was a struggle between the adherents of a high tariff and a low tariff policy and the debates in Congress show that it was so regarded by both sides.

1841 ×

Note on
Jackson
× Chapter

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The Democrats fought the bill mainly from the tariff

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[42] *Cong. Globe*, 27 Cong., 1 Sess., 173; *Charleston Southern Patriot*, quoted in *National Intelligencer*, April 1, 1841; *Richmond Enquirer*, quoted in *Ibid.*, May 27, 1841; *Arkansas State Gazette*, June 2, 1841; Senator Preston's speech at Charleston, May 22. *National Intelligencer*, May 29 and June 1, 1841.

[43] *National Intelligencer*, May 27, 1841.

[44] *Cong. Globe*, 27 Cong., 1 Sess., 22.

[45] Wellington, *Influence of the Public Lands*, 44 seq.

June 10
June 14

Sectional

standpoint, but they also injected the other public land propositions into the discussion. Clay introduced his distribution bill on June tenth,[46] and four days later Robert J. Walker, Democratic Senator from Mississippi, introduced resolutions directing the committee on public lands to inquire into the expediency of reporting the bill with amendments providing for permanent prospective pre-emption, reduction and graduation of the price of lands in favor of settlers and cultivators, and the discontinuance of distribution when any import should be raised above twenty per cent. or the provisions of the compromise act of 1833 violated in any manner.[47] The Senate was so evenly balanced on the distribution measure that it was apparent to all that Clay was in for one of the keenest struggles of his long and stormy public career.

In the House the situation was quite different. Here distribution had an absolute majority on condition that the Western Whigs could be counted on. It was important that this element, which represented about fifty votes, should be kept in line. On the protective tariff the Western Whigs were mainly favorable, provided distribution was included in the program, but the presidential campaign had convinced them that the feeling in their section for a pre-emption law was so strong that they could not afford to jeopardize their political lives by returning to their constituents without reporting the enactment of such a law, even if their personal feelings were hostile or indifferent. By holding out for a combined distribution and pre-emption law, they could impede the progress of legislation and, if successful in their demands, they could point to the sincerity of their campaign professions.[48]

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[46] *Cong. Globe*, 27 Cong., 1 Sess., 38.

[47] June 14. *Ibid.*, 50. There were in addition provisions of minor importance.

While the Senate committee was considering the land question, the chairman[49] of the committee on public lands in the House reported a distribution bill.[50] The majority leaders apparently feared the dissatisfaction among the Western Whigs, for in the evening a caucus was held,[51] on the following day the bill was recommitted,[52] and the next day a combined distribution and pre-emption bill was reported.[53] Although the vote on the final passage of this bill was uncomfortably close,[54] it had comparatively smooth sailing and was sent to the Senate twelve days after its introduction.[55] There was some opposition on the part of representatives from the old States against the provisions giving ten per cent. of the proceeds of the sales of the lands to the States in which they were situated and against the donation of 400,000 acres to the new States.[56] The bill must have been

June 22

June 23

~~June 24~~

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[48] *Arkansas State Gazette* (Little Rock), Feb. 10, 1841; *Daily Missouri Republican* (St. Louis), March 19, 1841; *Hawkeye and Iowa Patriot* (Burlington), July 21, 1841; *Washington Globe*, Sept. 23, 1841. On Jan. 29, 1841, Senator Buchanan predicted that distribution would become a law in combination with pre-emption under the new administration. Wash. Corr., *Charleston Courier*, Jan. 25, 1841.

[49] William Cost Johnson, of Maryland.

[50] June 22. *Cong. Globe*, 27 Cong., 1 Sess., 89.

[51] J. Q. Adams, *Memoirs*, X., 486.

[52] June 23. *House Journal*, 27 Cong., 1 Sess., 183.

[53] June 24. Ibid., 192. The bill is printed in *Cong. Globe*, 27 Cong., 1 Sess., 106, 107. After Dec. 1, 1841, 10% of the proceeds of the sales of the public lands within the limits of Ohio, Ill., Ala., Mo., Miss., La., Ark., and Mich. was to be paid to these states respectively. After deducting expenses, the remainder was to be distributed among the twenty-six States and the District of Columbia. The pre-emption provisions were similar to the bill which passed the Senate at the last session of Congress (See above). W. C. Johnson's speeches in introducing the bill are found in *Ibid.*, 102, 103, 106, 107.

[54] 116 to 108. *Ibid.*, 27 Cong., 1 Sess., 156. [55] July 6.

[56] *Ibid.*, 27 Cong., 1 Sess., 151; *National Intelligencer*, July 8, 1841.

particularly gratifying to the Western Whigs. It silenced the charges of their Democratic opponents that the Whig party was the enemy of pre-emption, and it satisfied their constituents who demanded a share in the land fund.

In the Senate the fate of the bill was uncertain from the day it was introduced. In fact, the supporters of the bill were on the anxious seat until the President affixed his signature.[87] Every possible means of defeating it was employed and the votes on the numerous amendments designed to destroy it were ominous.[88] The Whigs were able to shake off every vital amendment until the question of recognizing the validity of the compromise tariff came up when the combination of a select group of Southern Whigs and Democrats was too much for them. The motives of these two groups were different. The Democrats supported this amendment because they felt certain that it would kill the whole bill. With the finances of the government in such deplorable shape a schedule of duties higher than those of the compromise

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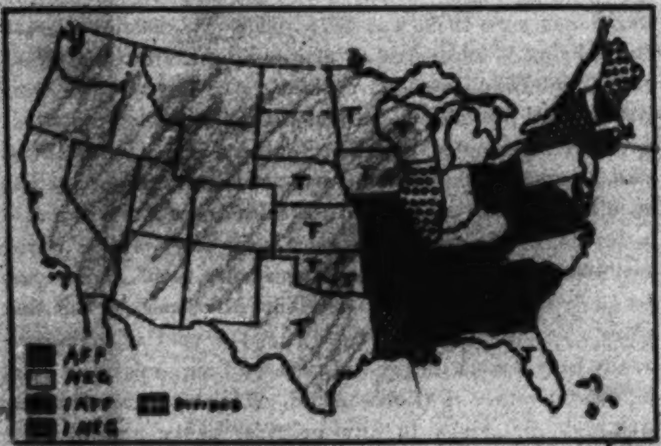
In the bill as finally passed the number of acres donated was 500,000 instead of 400,000. Cf. *The Pennsylvanian*, Aug. 18 and Sept. 6, 1841; Wash. Corr., *Daily Georgian*, July 28, 1841. These concessions to the West were no doubt insisted on by Western Whigs as the price of their support to the bill.

[87] Diary of Thomas Ewing, Sept. 1 and 4, 1841. *American Historical Review*, XVIII, 108, 109; *Louisville Daily Journal*, Sept. 7, 1841; Wash. Corr., *Charleston Courier*, Aug. 4, 1841; *Charleston Patriot*, quoted in *Mobile Commercial Register and Patriot*, July 16, 1841; Wash. Corr., *New Orleans Bee*, July 16 and 28, 1841; Calhoun to Clemson, Aug. 8, 1841. *Calhoun's Correspondence*, 484; Calhoun to Clemson, July 11, 1841. *Ibid.*, 480. In the House the Southern Whigs had, with few exceptions, opposed it.

[88] *Cong. Globe*, 27 Cong., 1 Sess., 309, 310, 312, 314, 322, 323, 325; Wash. Corr., *Charleston Courier*, Aug. 24, 1841. The bill passed the third reading 28 to 23 (*Cong. Globe*, 27 Cong., 1 Sess., 370; *National Intelligencer*, Aug. 24, 1841), and Aug. 26 it passed by a vote of 28 to 23. *Cong. Globe*, 27 Cong., 1 Sess., 382.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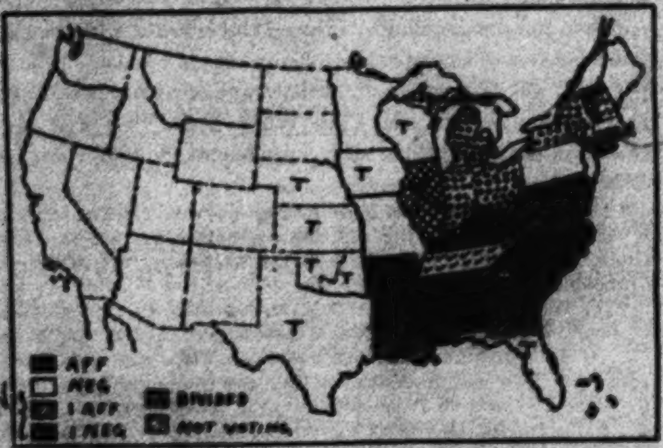
SENATE VOTE ON KING'S AMENDMENT, AUGUST 20, 1841 to suspend when duties over 20% on any article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in Globe 369

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SENATE VOTE ON [illegible]'S AMENDMENT, AUGUST 22, 1841

see p. 61 n. 61

suspend when tariff on all imported articles = over 20%

tariff was sure to be enacted; and if the distribution law could be made dependent on maintaining the tariff of 1833, the distributionists would be left in the lurch. Not being able to kill the bill by a direct blow, the Democrats would give it a lingering death. The Southern Whigs, on the other hand, cared nothing for pre-emption, but they were willing to distribute the proceeds of the sales of the public lands if a low tariff could be maintained. If, however, the choice lay between distribution and a protective tariff, there could be no question about their selection. Moreover, by this time Clay knew that John Tyler was not a man of straw; already he had flouted Clay with a veto of his bank bill.[39] Two successful vetoes of "fundamental" Whig measures would be well-nigh disastrous to any political party and a body-blow to Clay's prestige and pride. Between a faction holding the balance of power and a threatened veto Clay was in a tight place.

aug 16

When the proposition to suspend the operation of the distribution law when the rate of duties should be above twenty per cent. was first put forth in the shape of an amendment to the distribution bill, the Clay Whigs stood firm and succeeded in defeating three such amendments.[40] The votes on

aug 20
" 20
" 21
(Berrien)

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[39] August 16. As early as June 11 Clay wrote to Letcher: "There is reason to fear that Tyler will throw himself upon Calhoun, Duff, Green, etc., and detach himself from the Whig party." . . . Coleman, *Crittenden*, I., 158.

[40] (a) Woodbury's amendment, Aug. 20, lost 21 to 23. *Cong. Globe*, 27 Cong., 1 Sess., 368. (b) King's amendment, Aug. 20, lost 21 to 27. Of the negative votes all but three were Whigs and three Democrats (Sturgeon and Buchanan, of Pa., and Young, of Ills.), while the affirmative were all Democratic except 5 (Henderson, Miss.; Preston, S. C.; Berrien, Ga.; Rives and Archer, Va.). This vote shows the precarious situation. Buchanan and Sturgeon were instructed by the Pennsylvania Legislature to vote for the bill, but by a twist of argument they had made it plain that the provisions of the bill were such

these amendments, however, were so close that Clay saw the handwriting on the wall; he accepted defeat and when a fourth amendment was presented enough Whigs, including Clay, went over and it was adopted by a vote of twenty-five to eighteen.[61]

Aug 23

Berrien

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that they would vote against it and still not violate instructions. (*The Pennsylvanian*, Aug. 16 and Sept. 9, 1841.) Young, of Ills., could be expected to vote negative on the final passage. The 5 Whig votes in the affirmative were uncertain on the first passage. *Cong. Globe*, 27 Cong., 1 Sess., 339. (c) Berrien's amendment as modified by Rives, Aug. 21, lost 20 to 24. *Cong. Globe*, 27 Cong., 1 Sess., 364-366.

[61] Aug. 23. *Cong. Globe*, 27 Cong., 1 Sess., 369, 370. Of the affirmative votes 17 were Whigs—9 from the South and Southwest (La., Ga., 2 Ky., 2 N. C., Miss., S. C., Va.); 5 from the Middle region (N. Y., 2 Del., 2 Md.); 2 from the West (Mich., Ind.); and 1 from New England (R. I.). Every one of these voted for the bill on the final passage, except Preston, of S. C. Of the 8 Democrats who voted in the affirmative 7 were from the South and Southwest (S. C., 2 Ala., Ga., 2 Ark., Miss.) and 1 from Ohio. None of these eight Democrats voted for the bill on the final passage. Opposed to the amendment were 10 Whigs who had consistently opposed all 20% amendments. Six of these were from New England (Me., Vt., R. I., 2 Mass., Conn.), 2 from the West (Mich., Ind.), and 2 from N. J. Every one of these votes were cast for the distribution-pre-emption bill. Of the 8 negative Democratic votes, 4 had been cast for King's amendment (Benton, Mo., Linn, Mo., Tappan, O., Williams, Me.) and 3 against (Sturgeon and Buchanan, Pa., Young, Ills.). Of these 4 were from the West (Ills., O., 2 Mo.), 3 from Middle States (N. Y., 2 Pa.) and 1 from Maine. All voted against the final passage.

The Democrats made the charge that the Whigs were trying to conceal a "joker" in the amendment. (*Washington Globe*, Aug. 21, 23, 24 and Sept. 21 and 23, 1841; *Mobile Daily Commercial Register and Patriot*, Sept. 1, 1841; Wash. Corr., Philadelphia *North American*, Aug. 23, 1841.) It was alleged that King's amendment which was rejected provided that when the duty on any article was raised above 20%, distribution should be suspended, while Berrien's amendment provided that when the tariff was raised on *all* imported articles in the aggregate beyond 20% *ad valorem*, distribution should be suspended. Berrien denied that this was designed to offer a loop-hole and accepted Rives's modification, which made it substantially the same as King's. The *Washington Globe*, Aug. 24, 1841, also claimed that the

Although called a "compromise," the adoption of the twenty per cent. proviso was a distinct defeat for the Clay Whigs. It proved to be fatal; it served notice that they might choose between a high tariff and distribution, but both they could not have. "This provision met with grave objection from some friends to the principle of the bill," said the *National Intelligencer*,[62] "and its adoption must be considered a concession, for the sake of harmony, such as men associated in a great and good cause must make when necessary. Nothing can exceed the patience, perseverance, and wariness with which the Whigs of the Senate have sustained this bill through many days of trying and exhausting contest, during which the yeas and nays on proposed amendments, etc., have been taken about eighty times."

Even with the twenty per cent. proviso it is doubtful whether the distribution bill could have passed without the aid of log-rolling. In the South[63] and Southwest[64] and in certain regions of the West[65] very great pressure was exerted on congressmen to secure the enactment of a bankrupt law. This measure was not a part of Clay's program, but it was earnestly favored by such men as Senator Hender-

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high tariff senators, except Clay and two or three others, who voted for it, voted against the 20% proviso so that they could consistently vote for its repeal at the next session.

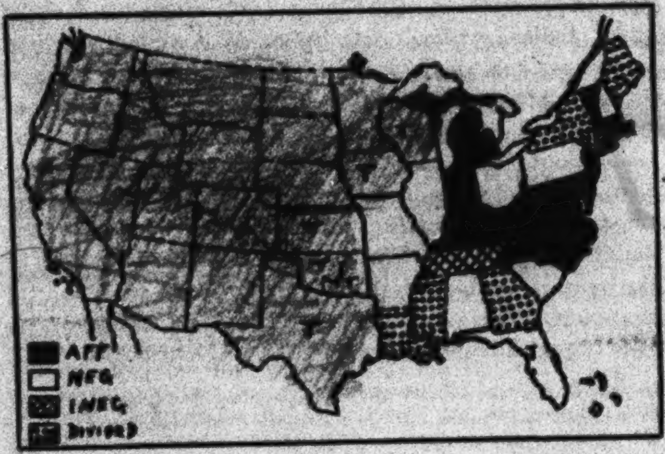
[62] Aug. 24, 1841.

[63] *Charleston Courier*, June 11, July 26, 27, 28, and August 2, 1841.

[64] *Southern Shield* (Helena, Ark.), Aug. 28, 1841 and Feb. 4, 1842; *Daily Missouri Republican*, Aug. 3, 1841; *Daily Republican Banner* (Nashville), Aug. 3, 1841; *Louisville Daily Journal*, June 15 and July 8, 1841; *New Orleans Bee*, Aug. 2, 1841; *Mississippi Free Trader and Natchez Weekly Gazette*, June 4 and Dec. 31, 1840; *The Mississippian* (Jackson), Jan. 6, 1842.

[65] *Hawkeye and Iowa Patriot* (Burlington), Feb. 3, 1842; *Green Bay* (Wis.) *Republican*, Feb. 12, 1842; *Niles* (Mich.) *Republican*, Jan. 27, 1842; *N. Y. American*, quoted in *Mobile Register and Journal*, Jan. 22, 1842.

son, of Mississippi, Berrien, of Georgia, Tallmadge, of New York, Whigs, and Walker, of Mississippi, a Democrat. There were enough Whigs who insisted upon this bill to hold up the land bill. While the distribution bill was in the Senate, as a warning to those senators who were impeding its progress, the opponents of the bankrupt bill in the House succeeded in laying it on the table. This brought matters to a head, and, after a caucus, the House reconsidered its action and passed the bill;[66] the recalcitrant senators ceased their opposition to the distribution bill; and in a short time both bills went to the President.[67]



SENATE VOTE ON DISTRIBUTION-PRE-EMPTION BILL, AUGUST 26, 1841

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[66] By a majority of 5.

[67] *National Intelligencer*, August 14 and 19, 1841; *Washington Globe*, Aug. 19, 1841; *Ibid.*, quoted in *North Carolina Standard*, March 16, 1842; Wash. Corr., *Charleston Courier*, July 29, August 18, 21, 23 and 28, 1841; Wash. Corr., *New Orleans Bee*, Aug. 30, 1841; *Ibid.*, Aug. 27, 1841; *Richmond Whig*, Aug. 31, 1841; *The Madisonian*, July 27, 1841;

The accompanying maps show that the real sectional fight was over the twenty per cent. proviso. Not a single one of the twenty-eight affirmative votes on the final passage of the bill[68] were Democrats,[69] and but one Whig[70] was found among the negatives.[71] It was a strict party vote.

Provision
1841
bonus

With the exception of the twenty per cent. proviso, the distribution-pre-emption bill became a law in substantially the same form that it was introduced in the House.[72] It provided that after December 31, 1841, ten per cent. of the proceeds of the sales of the public lands within the limits of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan should be paid to those States. After deducting this amount plus the expenses of survey, administration, and sale, the remainder of the proceeds was to be divided between the twenty-six States, the District of Columbia, and the Territories of Iowa, Wisconsin, and Florida according to their respective federal representative population. These net proceeds were to be paid at the treasury on January 1 and July 1 of each year, and the State legislatures, or, if they failed to do so, the governors were to appoint agents to receive them. Distribution should

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Illinois Republican (Shawneetown), Oct. 29, 1842; *Cong. Globe*, 27 Cong., 1 Sess., 348, 356; Benton, *View*, II., 229-234; Tyler, *Tyler*, II., 151. The *National Intelligencer* (Aug. 18, 1841) frankly stated that the bankrupt bill was not claimed as a Whig measure but it was deemed necessary to the general success of the Whig system of measures. See also Wellington, *Influence of the Public Lands*, 99, 100.

[68] *Cong. Globe*, 27 Cong., 1 Sess., 388. Aug. 26, 1841. The Senate amendments, including the 20% proviso, were accepted in the main by the House. *Cong. Globe*, 27 Cong., 1 Sess., 406, 407; Wash. Corr., *Richmond Whig*, August 28 and 30, 1841; Wash. Corr., *Charleston Courier*, Sept. 3, 1841.

[69] 8 N. E., 5 Middle States, 4 West, 11 South and Southwest.

[70] Preston, S. C.

[71] 6 N. E., 3 Middle, 4 West, 12 South and Southwest.

[72] *Statutes at Large*, V., 453-456.

be suspended during the continuance of war[73] and in case duties were levied above 20% *ad valorem* on any or all imports. In addition to the ten per cent. bonus, Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan were granted 500,000 acres of public lands within their limits.[74] The right of pre-emption to a tract of surveyed land not exceeding 160 acres was granted to heads of families, widows, and single men over twenty-one years of age, who were citizens or had declared their intention of becoming citizens, on condition that they would erect a dwelling and cultivate the land. The right of pre-emption was denied to those who had abandoned their own land in the same State or Territory, who owned 320 acres of land, or who had already taken advantage of the law.

land grant

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[73] During the Mexican War the question arose whether or not the provisions of the pre-emption act were suspended. It appears that the United States District Judge for Louisiana had so decided. The case was discussed at a meeting of President Polk's cabinet, Jan. 29, 1848, when it was decided that the agent in Louisiana should be instructed to abandon all prosecutions based on the alleged suspension of the right of pre-emption, and that Congress should be called on to pass an explanatory act. Quaife (ed.), *The Diary of James K. Polk*, III., 319. Two days later (Jan. 31, 1848) Representative Harmanson, of Louisiana, one of the men who had called Polk's attention to the matter, moved that the committee on public lands should inquire into the subject and to recommend remedies, if necessary, but the resolution was voted down. *Cong. Globe*, 30 Cong., 1 Sess., [illegible].

[74] In the debate on Clay's resolutions in the Senate in the following session of Congress (see below) the question arose whether the suspension of distribution would repeal this part of the act. Clay denied that this grant to the new States was independent of the distribution measure. Senator Young, of Illinois, insisted that the grants having once been made could not be revoked. What would be the consequence, he inquired, if a State had selected her 500,000 acres and during five years had made deeds to settlers of 250,000 acres which thereby became located and settled? *Cong. Globe*, 27 Cong., 2 Sess., 366, 371. The question caused some worry in the new States. See *Democratic Free Press* (Detroit), April 12, 1842.

CHAPTER IV

THE SENTIMENT OF THE COUNTRY ON THE DISTRIBUTION-PRE-EMPTION LAW

SPEAKING in the large, the West was the only section of the country which was satisfied with the distribution-pre-emption law. A few Eastern Whigs did swallow the morsel without making wry faces,[1] and some found consolation in the hope that a few months' trial of distribution would prove so successful that former skeptics would join with distributionists in repealing the obnoxious amendment.[2] But it is evident that there was profound disappointment and no effort was made to conceal it. The *Baltimore American*[3] said with truth that the proviso well-nigh plucked the heart out of the bill. The *Boston Atlas*[4] admitted that the East could go along without a national bank and distribution, but must have a protective tariff. Berrien's amendment, it declared, "is meant to confirm and perpetuate principles contained in the compromise act, in its worst construction. It is intended to recognize the obligatory nature of that act, when it was expressly avowed by all its advocates at the time of its passage that it was not so." . . . The prophetic words of the *Boston Courier*[5] are even stronger: "To the distribution of the proceeds of the public lands and the principles on which distribution has been advocated, we yield assent; but to the proviso which presents an insuperable bar to the revision of the tariff, and bribes the Western States to submit to the odious 'compromise,' we enter our protest. Perhaps we stand alone on this point. But some, who now approve, may possibly be on the other side of the question before the end of the next session of Congress. Stranger things *than that* have happened. We presume that President Tyler was not troubled with any conscientious scruples when he signed the bill. What enemy to the American system could wish for a better weapon wherewith to defend himself against the importunities of protectionists?"[6]

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[1] The *National Intelligencer* (Sept. 18, 1841) called it "the great measure of the session" and commended the pre-emption feature as well.

[2] Wash. Corr., *New Orleans Bee*, Sept. 3, 1841; *Boston Atlas*, Aug. 30, 1841; *Albany Evening Journal*, quoted in *Albany Argus*, Sept. 10, 1841; Whig meeting at Albany, *Albany Argus*, Sept. 7, 1841; *The Madisonian*, Sept. 7, 1841.

[3] Sept. 6, 1841.

[4] Sept. 8, 1841.

The Eastern Whigs knew that Tyler and the Southern Whigs had placed their senators in a dilemma where there was absolutely no alternative except to vote against the land bill or else to repudiate protection.[7] The choice having been made, to undo it involved the possibility, even probability, of a split between the distributionists and protectionists.

Probably a majority of the Southern Whigs were reconciled to a distribution law provided a high tariff was not needed. For this reason many who had opposed Clay's measure were disposed to give the new law a fair trial.[8] Had the condition of the treasury warranted it and the Clay Whigs desired it, so that the tariff could have remained on a twenty per cent. basis, it is altogether probable that distribution might have become popular in the South, if for no other reason than because it might have prevented the enactment of liberal Western land laws, such as the homestead law.

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[5] Sept. 6, 1841.

[6] Cf. *Baltimore American*, Sept. 6, 1841; *Albany Evening Journal*, quoted in *National Intelligencer*, Oct. 9, 1841.

[7] *Boston Atlas*, August 26 and 27, 1841; Wash. Corr., *Boston Courier*, Aug. 26, 1841; *Journal of Commerce* (N. Y.), quoted in *Boston Courier*, Sept. 4, 1841; Wash. Corr., *Charleston Courier*, Aug. 26, 1841.

[8] *Columbus* (Ga.) *Enquirer*, Sept. 22, 1841; *Charleston Courier*, Sept. 7, 1841; *Richmond Whig*, Sept. 7, 1841; *Daily Republican Banner*

The Southern Democratic leaders at once launched a systematic campaign to repeal this "unjust, unwise, and unconstitutional" law[9] which was too "iniquitous to remain on the statutes."[10] South Carolina took action at once. By an overwhelming vote the Legislature refused to accept her share of the fund, and enjoined the Governor not to appoint an agent to receive it.[11] In North Carolina no action was taken by the Legislature, but the law was denounced at a number of Democratic meetings.[12] Mississippi[13] and Alabama[14] took action similar to South Caro-

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(Nashville), Sept. 29, 1841; Governor Letcher's message to Kentucky Legislature, *The Commonwealth* (Frankfort, Ky.), Jan. 4, 1842; Gov. Jones's message to Tennessee Legislature, *Daily Republican Banner*, Oct. 20, 1841.

[9] *Richmond Whig*, quoted in *National Intelligencer*, Nov. 20, 1841.

[10] *Albany Daily Advertiser*, quoted in *Ibid.*, Dec. 7, 1841; *Ibid.*, Dec. 7, 1841; *Ibid.*, Oct. 5, 1841; Cf. *Washington Globe*, quoted in *Richmond Enquirer*, Nov. 12, 1841.

[11] *House Executive Documents*, 27 Cong., 2 Sess., Doc. No. 101; *Cong. Globe*, 27 Cong., 2 Sess., 213; *House Journal*, 27 Cong., 2 Sess., 394; *National Intelligencer*, March 5, 1842; *Richmond Enquirer*, Dec. 18, 1841; *Columbia South Carolinian*, quoted in *Ibid.*, Dec. 7, 1841; *Charleston Mercury*, quoted in *Ibid.*, Nov. 19, 1841; Calhoun to Burt, Nov. 28, 1841. *Calhoun's Correspondence*, 495, 496.

[12] *North Carolina Standard*, Dec. 8, 15, 22, and 29, 1841; Jan. 5 and 10, Feb. 16, May 10, and Sept. 28, 1842.

[13] *Cong. Globe*, 27 Cong., 2 Sess., 434; *Richmond Enquirer*, April 1, 1842. In Mississippi the question of accepting the land fund hung fire a long time. In 1848, on the eve of the presidential campaign, an effort was made in the Legislature to accept the State's share and

lina, and in Georgia, although the Legislature condemned the law,[15] the financial conditions of the State were such that the Governor a few months later appointed an agent to receive her share.[16] The friends of education and internal improvements in Virginia made a great effort to have that State accept her share,[17] and when the Legislature, in March, 1842, refused,[18] the question was made an issue in the State election held that spring.[19] In spite of the appeal made to the Western part of the State where the railroad agitation was strong, the Whigs were decisively defeated.[20]

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the House of Representatives voted to do so by 52 to 35 (Feb. 9, 1842). The Senate, however, rejected it (Feb. 11). Some Democrats were in favor of the resolution. They argued that in voting for the resolution they did not abandon hostility to the principle, since distribution was no longer a remote possibility. It is interesting to note that in the resolution adopted by the lower house a proviso was added declaring that the distribution act of 1841 was of doubtful constitutionality. See files of *The Mississippian* (Jackson) for Feb., 1842, especially Feb. 11, 18 and 25.

[15] *Cong. Globe*, 27 Cong., 2 Sess., 159; *House Journal*, 27 Cong., 2 Sess., 284, 296; *Richmond Enquirer*, Nov. 30 and Dec. 14, 1841.

[16] *Richmond Enquirer*, Nov. 30 and Dec. 18, 1841.

[17] *National Intelligencer*, July 21 and 23, 1842.

[18] Ritchie to Calhoun, Nov. 24, 1841. *Calhoun's Correspondence*, 837-841.

[18] Message of Gov. Rutherford, *Richmond Whig*, Dec. 17, 1841; *Ibid.*, March 16, 1842; *Richmond Enquirer*, March 8, 1842; *National Intelligencer*, March 19, 1842; *Niles' Register*, LXII., 22.

[19] *Richmond Whig*, March 12, 18, 22 and 25, 1842; *Winchester Republican*, quoted in *Ibid.*, March 25, 1842; *Petersburg Statesman*, quoted in *Ibid.*, March 25, 1842; *Kanawha Republican*, quoted in *Ibid.*, March 29, 1842; *Lexington Gazette*, *Winchester Republican*, and *Charlottesville Advocate*, quoted in *Ibid.*, April 19, 1842; *Lynchburg Virginian*, quoted in *Daily Republican Banner*, March 23, 1842.

[20] *Lynchburg Virginian*, quoted in *Richmond Enquirer*, March 5, 1842; *Ibid.*, April 1 and May 6, 1842; *Richmond Whig*, May 3, 4, 5, etc., 1842. In 1844, the Virginia House of Delegates adopted, by a large majority, a resolution directing the State treasurer to receive her share, but as late as 1850 Senator R. M. T. Hunter proudly announced in

It was the hope of the Southern agitators that if enough States rejected their shares, coupled with the impoverished condition of the treasury, they could "blow the whole scheme sky-high."[21] Their hopes were raised by the action of several States outside of the South and Southwest. In Maryland, where distribution had been a head-liner for the Whig campaign documents, the Whig ticket headed by William Cost Johnson, an ardent supporter of the scheme, was defeated shortly after the enactment of the distribution law.[22] The committee on public lands in the New York Legislature, in a report signed by every member but one, denounced the law.[23] The Legislature of Maine instructed her senators to vote for the repeal of the distribution law and the land fund was rejected.[24] New Hampshire followed suit.[25]

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the Senate that Virginia had never accepted it. *Niles' Register*, LXVII., 240 (Dec. 14, 1844); *Cong. Globe*, 31 Cong., 1 Sess., 872, 873 (April 30, 1850.)

[21] *Richmond Enquirer*, March 26, 1842; Cf. *Mobile Register and Journal*, Dec. 4, 1841.

[22] *Washington Globe*, quoted in *Richmond Enquirer*, Oct. 12, 1841.

[23] *Albany Argus*, April 5, 1842; *Niles' Register*, LXII., 80; *Ithaca Journal and Seneca Falls Courier*, quoted in *National Intelligencer*, Dec. 7, 1841; *Albany Argus*, Aug. 6, 1841. Cf. Censure of South Carolina's action, *Albany Evening Journal*, quoted in *National Intelligencer*, March 1, 1842; Gov. Seward's Message, Feb. 22, 1842, *Seward's Works*, II., 415; *National Intelligencer*, March 1, 1842. In 1844 the question of accepting the land fund was before the Legislature, but it was rejected, largely due to the influence of Van Buren, according to the Albany correspondent of the *New York Weekly Tribune*. See issues for March 9 and 16, 1844.

[24] *House Executive Documents*, 27 Cong., 2 Sess., Doc. No. 179; *Richmond Enquirer*, April 8, 1842. In his message of 1844 Gov. Anderson stated that "the policy of distribution is fully repudiated by both government and people," and left it to the Legislature to decide whether or not to accept its share. *Niles' Register*, LXV., 240.

[25] In 1845 the New Hampshire Legislature adopted resolutions condemning distribution and refusing to receive the land fund. *Richmond Enquirer*, July 8, 1845.

In both Pennsylvania[26] and Connecticut[27] the matter hung fire for some time.

The new law had several features which recommended it to the West, and especially to the newer portions. In Iowa Territory the grant of 500,000 acres to new States was considered an inducement to form a State government, as well as the increased federal ratio which would follow admission.[28] This advantage was discounted, however, by those who feared that the old States, in order to keep down the number of shares, would make admission difficult, and that hereafter Congress would be niggardly in appropriations for the West.[29] The Democratic Governor of Illinois refused to appoint an agent to receive the land fund and referred the question to the Legislature which decided to accept.[30]

The pre-emption law seems to have attracted but little attention anywhere except in the West. It elicited very little praise or condemnation. The reason probably is that all sections and parties were reconciled to it as a measure of political necessity. The West received it not as an act of kindness on the part of Congress, but as a duty rather reluctantly performed. The pioneers were not easily satisfied and immediately their representatives clamored for greater liberality. Amendments were introduced extending the right of pre-emption to all unsurveyed land, mineral lands and smaller tracts. and extending the time for payment.[31] The primary object of a pre-emption law was to protect the settler from the speculator, and in a way this was accomplished by the act of 1841. But it did not go far enough. Speculators might still purchase as much land as they desired, providing they did not infringe on a settler's pre-emption right. The pioneer West wanted a pre-emption law which would blot out all speculation by reserving all public lands for actual settlers. Here pre-emption dovetails into the homestead idea which by 1850 had captivated the West.

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[26] Philadelphia *North American*, June 28, 1842.

[27] *Van Buren Papers*, 469. Smith to Van Buren, May 22, 1842.

[28] *Hawkeye and Iowa Patriot* (Burlington), March 4, June 24, July 15 and 29, Aug. 12 and 19, Sept. 19, and Oct. 7, 1841; Message of Gov. Chambers to Iowa Territorial Assembly, Dec. 6, 1841. *Richmond Enquirer*, Jan. 13, 1842. Gov. Doty, of Wisconsin Territory, recommended statehood. *Green Bay* (Wis.) *Republican*, Dec. 28, 1841.

[29] *Hawkeye and Iowa Patriot* (Burlington), Nov. 23, 1841; *Miners' Express*, quoted in *Ibid.*, Nov. 4, 1841; *Burlington Gazette*, quoted in *Ibid.*, Sept. 2, 1841; *Green Bay* (Wis.) *Republican*, Oct. 20, 1841.

[30] *Reports made to the Senate and House of Representatives of Illinois*, 13th General Ass., I., 3-19 (Dec. 7, 1842); Cf. Report of Committee on Finance, *Ibid.*, I, 97-109 (Jan. 20, 1843); *Peoria Register and North-Western Gazetteer*, July 16, 23 and 30, 1841; *Illinois Republican* (Shawneetown), Dec. 17, 1842 and Jan. 28, 1842. For sentiment in Ohio, Michigan and Illinois, see *Chillicothe Advertiser*, quoted in *Richmond Enquirer*, Dec. 3, 1841; *Ibid.*, Feb. 1, 1842; *Ohio Statesman* (Columbus), Sept. 10, 1841; *Springfield Republican*, quoted in *Ibid.*, Aug. 27, 1841; *Niles* (Mich.) *Republican*, Sept. 16, 1841; *Democratic Free Press* (Detroit), Dec. 15, 1841; *Daily Missouri Republican* (St. Louis), July 29, 1841.

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[31] *Hawkeye and Iowa Patriot*, Feb. 8, 1849; *Minnesota Pioneer* (St. Paul), May 11, 1854; *Missouri Republican* (St. Louis), July 13, 1854; *The Oregon Statesman* (Salem), June 6, 1854; *Cong. Globe*, 27 Cong., 2 Sess., 200, 204, 231, 232; *Ibid.*, 28 Cong., 2 Sess., 212; *Ibid.*, 29 Cong., 1 Sess., 108, 484; *Ibid.*, 30 Cong., 1 Sess., 12, 894; *Ibid.*, 30 Cong., 2 Sess., 98; *Ibid.*, 33 Cong., 1 Sess., 711-715; *Senate Miscellaneous Documents*, 30 Cong., 2 Sess., Doc. No. 29; M. Bien, *The Public Land of the United States*, *North American Review* (July, 1910), CXCII, 394, 402. In 1853 and 1854 the right of pre-emption on unsurveyed lands was extended to a number of the states and afterward by act of June 2, 1862, to all unsurveyed lands. The pre-emption act remained in force until March 3, 1891.

CHAPTER V

TYLER'S TARIFF VETOES AND THE PUBLIC LANDS[1]

WHEN Congress convened in December, 1841, the outlook for the Whigs was anything but hopeful. The State elections had quite generally gone against them,[2] the credit of the national and State governments was at a very low ebb,[3] and the party was torn by dissension and strife. By the twenty per cent. proviso the land question had been securely engrafted onto the tariff and the inevitable discussion of the finances was sure to open the wounds which had been inflicted at the last session.[4]

Taking advantage of these conditions, the Democrats began a general assault on the Whig measures of the previous sessions.[5] The action of the State legislatures in refusing their shares of the land fund was flung in the faces of the distributionists.[6] Clay met these tactics by the introduction of a resolution instructing the committee on public lands to inquire into the expediency of providing by law that whenever a State declined to receive its share it should be distributed among the remainder of the States.[7] A few days later the Whigs, spurred on by Clay, made it clear that instead of harboring any intention of repealing the distribution act they were determined to undo the bad bargain they had made and to put their favorite measure on such a firm foundation that it would not be endangered every time the tariff question was taken up. With this end in view, Clay, on the 15th of February, boldly submitted for the consideration of the Senate a series of resolutions which, among other things, declared that the condition of the government's finances made a rate of duties above 20% necessary and that the twenty per cent. proviso of the distribution act ought to be repealed.[8] The Whigs frankly stated that they had assented to the proviso solely because it was the only means of passing the bill, and the fact of its being inserted by the enemies of the bill put them under no obligation to respect it.[9] From the time of their introduction until the veteran Kentucky statesman delivered his famous valedictory on March 31, these resolutions, in one form or another, were vigorously and sharply debated.[10]

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[1] Wellington's *Influence of the Public Lands* (pp. 104-113) gives some interesting and valuable information about the events narrated in this chapter.

[2] Of seven States which had cast their electoral votes for Harrison the Democrats carried five (Vt., Tenn., Ala., Me., and Md.).

[3] The federal treasury was empty and the loan which had been authorized at the special session had not been subscribed. See Wash. Corr., *Charleston Courier*, Dec. 21, 1841.

[4] Calhoun to Clemson, Jan. 23, 1842. *Calhoun's Corr.*, 502, 503; Calhoun to Hammond, Feb. 4, 1842. *Ibid.*, 504; Calhoun to Duff Green, April 2, 1842. *Ibid.*, 507; Calhoun to Clemson, April 3, 1842. *Ibid.*, 508, 509.

[5] *Cong. Globe*, 27 Cong., 2 Sess., 20, 22, 23, 39-45, 58, 64, 137, 148, 183; Wash. Corr., *Charleston Courier*, Jan. 15, Feb. 22, and April 4, 1842; *Richmond Whig*, April 4, 1842.

1842

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While this struggle was being waged President Tyler threw a Parthian shaft into the Clay camp in the form of a special message recommending the suspension of distribution until the condition of the treasury made it advisable. In substance, Tyler said that when the distribution bill was passed there was reason to anticipate that there would be a surplus to distribute, but now the treasury was facing a deficit and a loan was necessary. In order to insure the subscription of the loan, the President recommended that the proceeds of the sales of public lands should be pledged for the payment of the interest and the Secretary of the Treasury authorized to apply all over that amount to the gradual extinction of the principal.[11] The message was a notice to the Whig leaders that the President would sign no bill repealing the tariff proviso in the distribution bill.[12]

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[6] *Cong. Globe*, 27 Cong., 2 Sess., 182.

[7] Jan. 21 and Feb. 8, 1842. *Ibid.*, 182, 217.

[8] *Cong. Globe*, 27 Cong., 2 Sess., 236; Schurz, *Clay*, II., 224; Tyler, *Tyler*, II., 161.

[9] Clay's speech at Lexington, April 10, 1842. *National Intelligencer*, May 13, 1842; *Ibid.*, Feb. 22 and March 29, 1842. *Cong. Globe*, 27 Cong., 2 Sess., 616, 624.

[10] *National Intelligencer*, Feb. 22, 1842; *Cong. Globe*, 27 Cong., 2 Sess., 230, 310, 316, 322, 323, 327, 334, 347, 348, 371, 373.

At once the Clay press in all sections of the country pounced upon the message as a declaration for the repeal of "the vital Whig measure."[13] It was almost the unanimous opinion that suspension would amount to a practical repeal.[14] The *Boston Atlas*[15] and the *Boston Courier*[16] rejoiced in the prospect of the removal of the obstacle to a protective tariff which was of more importance than the land fund. The *Peoria* (Ills.) *Register and North-Western Gazetter*[17] was one of the few Western papers to praise the message. It was content to lose a national bank and to give up the land fund for a tariff which would furnish a market in the United States for Illinois wheat and pork. The *Richmond Whig*[18] declared that the message removed the last barrier between Tyler and the "Loco-Foco" party; and judging by the praise which it elicited from the Democratic editors, the statement seemed plausible.[19]

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[11] March 25, 1842. Richardson, *Messages and Papers*, IV., 108-110.

[12] Wise in *Seven Decades* (p. 906) says that Tyler ever after regretted his approval of the land bill of 1841. It seems quite probable that Tyler signed the bill against his better judgment, not wishing to put the stamp of disapproval upon every measure passed at the special session. (Cf. Webster to Ketchum, Aug. 22, 1841. Webster's *Private Correspondence*, ed. by Fletcher Webster, p. 129.) However, in the interval between the close of the special session and the beginning of the next he saw that the dominant faction of the Whigs had repudiated him, and from that time he made no effort to conciliate the Clay men. *The Madisonian*, a pro-Tyler paper, commenting on the message (issues of March 29 and April 19, 1842) said the President willingly gave his approval to the distribution law, and it was not until an entire change in prospects had taken place, involving possibilities of war, and a dishonor of national credit, that his advisers proposed to suspend the operation of distribution. If Congress had done its duty, it continued, and adopted measures of relief offered by the President and his advisers, such as the exchequer, or some other practical plan of relief, the States would not have been deprived of the benefits of the law.

[13] *National Intelligencer*, March 26, 1842.

By this message Tyler delivered a heavy blow to the Clay Whigs. They played a waiting game until they deemed the opportunity had come to meet the opposition of the President. According to the compromise tariff of 1833 duties would touch the low water mark of 20% on the last day of June, and some even maintained that after that date no duties at all could be collected unless authorized by a new law.[20] In spite of the urgent need of revenue and the prompting of the President, the Whigs made no effort to expedite the enactment of a tariff law which would yield sufficient revenue. They continued to bide their time until the 10th of June when they believed Tyler had no means of escape. On that day Millard Fillmore, chairman of the committee on ways and means, moved to postpone the consideration of the tariff bill which had been slumbering in committee and to take up in lieu a provisional bill, or, as it was called, the "Little Tariff" [21] This bill provided that the rate of duties in force June 1st should continue until August 1st, and that the distribution of the proceeds of the sales of public lands should not be suspended even though duties remained above twenty per cent.[22] This, of course, set aside two compromises, that of 1833 and 1841. This action was nothing more or less than an attempt to rush the opposition off its feet, and the Democrats and anti-distributionists became extremely angry.[23]

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[14] *Washington Globe, Independent, Alexandria Gazette,* Philadelphia *North American, Philadelphia Sentinel, Public Ledger, Baltimore Clipper,* quoted in *National Intelligencer,* March 31, 1842; *Lynchburg Virginian,* quoted in *Richmond Whig,* April 5, 1842; *Ibid.,* March 26 and 29, 1842; *Daily Republican Banner* (Nashville), April 6, 1842; Wash. Corr., *Charleston Courier,* March 31, 1842; Philadelphia *North American,* March 29 and 31, 1842; *Newark* (N. J.) *Daily Advertiser,* March 26, 1842; *Baltimore American,* March 28, 1842.

[15] March 29, 1842.

[16] March 30, 1842.

[17] April 8, 1842.

[18] April 1, 1842.

[19] *Democratic Free Press* (Detroit, Mich.), April 6, 1842; *The Pennsylvanian,* March 29, 1842; *Washington Globe,* March 25, 1842; *Arkansas State Gazette,* April 13, 1842. *Baltimore Sun* (Independent), March 26, 1842, and the *Native American Bulletin* (St. Louis) (Native American), April 18, 1842, also indorsed the message.

June 10

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[20] Garrison, *Westward Extension*, 182.

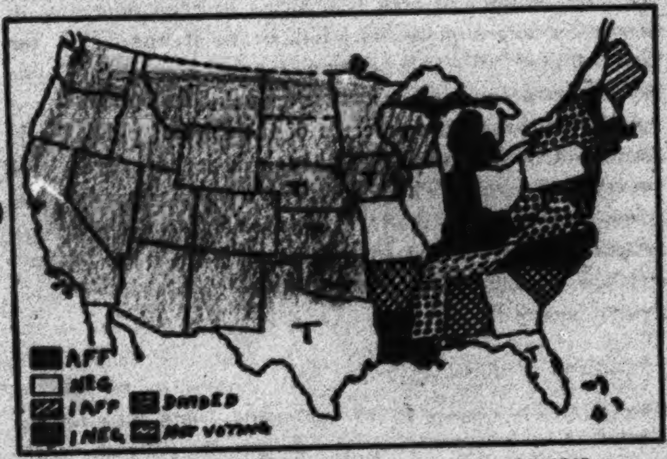
[21] *Cong. Globe*, 27 Cong., 2 Sess., 615.

[22] The second installment of the land fund was to be paid July 1st and this would have been suspended had not the provision for the continuance of the operation of the act of Sept. 4, 1841, been inserted.

[23] *Cong. Globe*, 27 Cong., 2 Sess., 615, 616. For Fillmore's rather feeble defense see his speech, June 15, 1842. *Ibid.*, 636. The Tyler organ, *The Madisonian* (June 16, 1842), declared that the "demoniac plan" to crush the President was concocted and determined upon by the Dictator [Clay] himself. Seven long months have rolled by, said this paper, and Congress has done nothing—nothing but to erect a machine to torture the President. And now the day approaches. Fourteen days more and there will be no means of collecting the revenue and the sums arising from the public lands must be distributed. After yielding implicit obedience to the mandate of the Dictator, having remained idle seven months, the ultra Whig Congress frames a bill

The Whigs offered no apology for their determination to repeal the 20% amendment, which they said had been foisted upon them in such a manner that it deserved no respect.[24] There is much to be said in favor of the point made by Senator Evans, of Maine, that the proviso could not be considered a compromise when the opponents of distribution stood pledged to repeal the whole act when the opportunity presented itself.[25]

passed



SENATE VOTE ON "LITTLE TARIFF" BILL, JUNE 24, 1842

The "Little Tariff" passed the House, after a number of attempts to kill the distribution proviso had been voted

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of twelve lines in violation of the compromise act, and like a band of cold-blooded inquisitors, resolves to bind the President upon their infernal wheel—apply the engine torture—and offer him no other alternative but instant recantation or political death. If the Dictator doubts the President's nerve let him proceed with his machinations. The President can appeal to the people, etc., etc.

[24] *Cong. Globe*, 27 Cong., 2 Sess., 616, 617.

[25] *Ibid.*, 669.

down,[26] by 116 to 103, five days after its introduction.[27] In the Senate it met a most determined resistance,[28] but it emerged June 24 [29] substantially intact except that the payment of the second installment of the land fund was to be postponed until August 1st.[30] After much confusion and heated words the House concurred in this amendment [31] and the bill went to meet the inevitable at the White House.

While the bill was before Congress rumors were rife that the President would veto it. Tyler had, no doubt, made known his intention to his intimate friends, but if he had not, his views were sufficiently known to warrant the belief that he would refuse to affix his signature. The Whig majority, no doubt, believed that they would be able to "head Captain Tyler," [32] whom they hoped would not dare to veto the measure with an empty treasury before him. Then, too, it was thought that a veto would hold together the Whigs, who if they had nothing else in common, could certainly drink a toast to the downfall of "His Accidency" whose course had endangered the safety of every measure in the Whig catalogue.[33] Although Clay had left the halls of Congress, his lieutenants had been instructed to give no quarter to Tyler. The great Kentuckian could not allow the President to take every point. A general surrender without a show of fight would almost wreck his prestige and his party's.[34]

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[26] *Ibid.*, 656, 657.

[27] June 15. *Ibid.*, 657.

[28] *Ibid.*, 659, 669, 676, 678, 679.

[29] By a vote of 24 to 19. *Ibid.*, 679.

[30] *Ibid.*, 679.

[31] June 28. *Ibid.*, 687, 688.

[32] *Richmond Whig*, June 16 and 21, 1842; Wash. Corr., *Mobile Register and Journal*, July 4, 1842; Wash. Corr., *Charleston Courier*, June 14, 23, and 27, 1842; Philadelphia *North American*, June 27, 1842; *Washington Globe*, June 18, 1842; *The Madisonian*, June 18, 1842.

[33] *Richmond Whig*, June 13 and July 6, 1842.

However, Tyler's predicament was not so bad as might be supposed. First, he had nothing either to gain or to lose by signing or vetoing the bill, because between him and the Whig majority there was a great gulf fixed.[35] Second, his Attorney General had advised him that duties might be levied under the compromise act after July 1st;[36] but supposing that they could not, Congress was as responsible as he for the maintenance of the government. Finally, the close votes on the bill had shown him that he, too, could play the game of waiting, for the defection of a few votes would turn the situation to his advantage.

June 29, 1842 The veto came the day before the twenty per cent. rate of duties was scheduled to go into effect.[37] The message stated that the bill violated the acts of 1833 and 1841 by suspending the first and rendering for a time the last inoperative; and to abandon the distribution compromise for a short period was to open the way for its total abandonment.

Throughout the storm of invective and abuse which followed Tyler stood firm.[38] In the House the message was received with mixed surprise and anger.[39] The Whig press was very general in condemnation. Tyler was branded a traitor and renegade to Whig principles and to his own previous opinions. Nothing could be more unexpected, said the *National Intelligencer*,[40] because pains had been taken, by amendment and qualification, to shape the bill so as to avoid encountering a veto. A New York editor [41] mourned that the President had forestalled Congress in its attempt to reconcile the East and West. The opposition press was jubilant and defended the President on every count.[42]

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[34] Clay to Crittenden, July 16, 1842. Tyler, *Tyler*, II., 185; Judge Story to Clay, Aug. 3, 1842. Colton, *Private Correspondence of Clay*, 467; Calhoun to A. P. Calhoun, April 3, 1842. *Calhoun's Correspondence*, 511, 512. *Democratic Review*, XI., 208; *Cong. Globe*, 27 Cong., 2 Sess., 957, 958.

[35] *The Madisonian*, July 19, 1842.

[36] Von Holst, *History of the U. S.*, II., 454, 455.

[37] June 29, 1842. Richardson, *Messages and Papers*, IV., 180-183.

[38] Tyler to Harris et al. July 2, 1842. "For having declined of late to unite in giving away a fruitful source of revenue, from a Treasury which has become nearly exhausted, I have been charged with a desire to dictate to Congress, when my sole object is to carry out a law of this very Congress on the subject of the public lands. The welkin is made to resound with charges of executive dictation, because I have not seen cause to approve the repeal or suspension of an act

It was a foregone conclusion that the bill would fail to pass over the veto, but the Clay Whigs, beside themselves with rage, began anew the game of "heading Captain Tyler." Smarting under the lash of two defeats at the hands of the President—that of the 20% proviso and the veto of the "Little Tariff"—the thought of complete surrender was unbearable. The struggle now involved the question of the independence of Congress.[43] The same day the "Little Tariff"

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passed as late as the 4th of Sept. last. My reply is, that if it was right to pass that act then, it must be wrong to repeal it now, when the Treasury requires the use of every dollar which it can rightfully claim." Tyler, *Tyler*, II., 171. Also printed in *National Intelligencer*, July 12, 1842.

[39] *Cong. Globe*, 27 Cong., 2 Sess., 695-97, 700, 701, 707, 709, 712, 724 seq.

[40] June 30, 1842.

[41] *Courier and Enquirer*, quoted in *National Intelligencer*, July 10, 1842.

[42] *National Intelligencer*, July 5, 1842; *Boston Courier*, July 8, 1842; *Native American Bulletin* (St. Louis), July 11, 1842; *Niles* (Mich.) *Republican*, July 23, 1842; *Democratic Free Press* (Detroit, Mich.), July 12, 1842; *Mobile Register and Journal*, July 8, 1842; *Richmond Enquirer*, July 5, 1842.

[43] Crittenden's speech, Aug. 1, 1842. *Cong. Globe*, 27 Cong., 2 Sess., 820, 821.

July 4
1842

failed to pass over the veto,[44] the House leaders gave notice that they would take up a permanent tariff, or the "Great Tariff" bill, as it was called.[45] This bill involved a total repeal of the 20% proviso. Twelve days later it passed by a majority of four votes—not a comfortable margin.[46] After running the usual gauntlet of amendments,[47] the bill passed the Senate by a vote of 25 to 23[48] with the distribution feature intact. The House concurred in the Senate amendments and the bill went to the President with the hope of the *National Intelligencer*[49] that the Giver of all Good might "incline his heart to wisdom."

aug 9
1842
Veto

On the 9th of August, three days later, the appearance of the President's secretary below the bar of the House was the signal for a scramble for seats in the gallery and a rush of representatives into the chamber.[50] The President's message announced that he withheld his approval from the bill because it increased duties above twenty per cent. and provided for an unconditional distribution of the land proceeds, thereby uniting two wholly incongruous elements—and making the fate of one dependent upon the other.[51]

The knowledge that the President had foiled them the third time was the last straw for the high tariff men, but they could only give vent to their wrath by the appointment of a select committee to consider the message. The majority report read by John Quincy Adams, chairman, was a scathing arraignment of the President, but it was mostly campaign thunder.[82] The distributionists were defeated and they knew it; they had been "headed" and not the "Captain." It was all very well to talk about adjourning without passing a tariff bill and allowing the government to get along as best it could,[83] but it was another matter to go before the country in the autumn elections with the tariff question unsettled and the finances of the country in chaos.[84] Accordingly, a tariff bill independent of the distribution clause was

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[44] July 4. Vote 114 to 97. *Cong. Globe*, 27 Cong., 2 Sess., 717, 718.

[45] *Ibid.*, 717.

[46] July 16. *Ibid.*, 762.

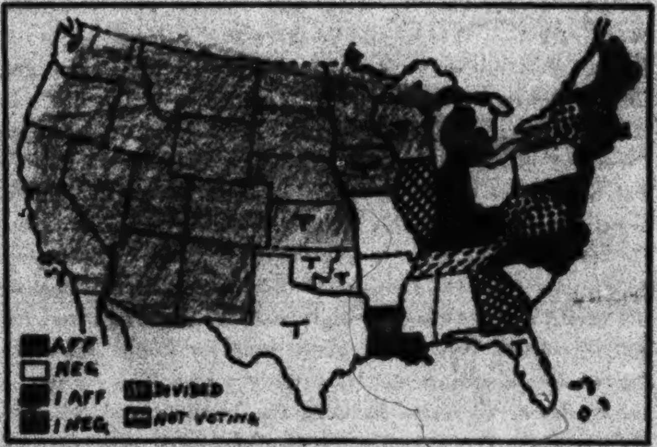
[47] *Ibid.*, 773, 790, 795, 801-803, 807, 819-823, 827, 829.

[48] August 5. *Ibid.*, 852.

[49] August 6, 1842.

[50] *Cong. Globe*, 27 Cong., 2 Sess., 868-869.

[51] Richardson, *Messages and Papers*, IV., 183-189. Tyler had submitted the message to Secretary Webster who declared that the objections to the bill were well taken, but wished he would sign the bill in the awful state of the country. Webster to Tyler, Aug. 6, 1842. Van Tyne, *Webster's Letters*, 274, 275.



SENATE VOTE ON DISTRIBUTION BILL, AUGUST 29, 1842

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[82] Report of the Select Committee, August 16, 1842. Majority Report. *Cong. Globe*, 27 Cong., 2 Sess., 894-896. Minority Reports, *Ibid.*, 896-901. Cf. also *Ibid.*, 872-873, 877, 882, 883, 907; Richardson, *Messages and Papers*, IV., 180-183; *National Intelligencer*, Aug. 12 and 18, 1842; *Richmond Enquirer*, Aug. 16, 1842.

[83] *National Intelligencer*, Sept. 7 and 21, 1842; *Cong. Globe*, 27 Cong., 2 Sess., 901, 908, 913, 917, 919; Fiske, *Essays Historical and Literary*, I., 283.

[84] *Boston Courier*, Aug. 17, 1842.

? see Stanwood Tariffs
& map

passed.[55] The feeble attempt to unite the two was smothered, but in order to "save their faces," a separate bill repealing the twenty per cent. proviso was passed.[56] This was disposed of by a "pocket" veto.[57]

map

President Tyler was not in a position where he could play the part of a constructive statesman. During the first two years of his administration there were several parties or factions represented in Congress. There were Southern Whigs, Eastern Whigs, and Western Whigs, and among the Democrats there were "Regulars," State Rights Democrats, former Conservative Democrats, typified in Tallmadge and Rives, besides sectional groups. In such a situation no President could carry through a positive policy, but by watching every corner he might at least pursue a dignified negative course, and this is what Tyler attempted to do. He knew that the Eastern and Western Whigs could expect no support from the Democrats and the Southern Whigs on the tariff, and between the high tariff Eastern men and the distributionist Westerners there was no doubt that the former would ultimately have their way. The only real strong bonds of union between the Eastern and Western wing of the party was a certain harmony between protection and distribution and the superb leadership of Henry Clay. Although there were no long distance telephones in those days, the distinguished resident of Ashland dominated the situation.[58] Many Whigs blindly voted for the "Great

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[55] *Cong. Globe*, 27 Cong., 2 Sess., 884, 906, 919, 923, 938, 942-950, 963, 964, 972.

[56] Vote in House 93 to 84. Aug. 26, 1842. *Ibid.*, 27 Cong., 2 Sess., 943, 948. Vote in Senate 23 to 19. Aug. 29, 1842. *Ibid.*, 962.

[57] Tyler sent a message to Congress at the next session in which he gave his reasons for the veto. Dec. 14, 1842. Richardson, *Messages and Papers*, IV., 255, 256.

[58] J. Q. Adams, *Memoirs*, XI., 229; Clay to Crittenden, July 21, 1842. Coleman, *Life of Crittenden*, I., 190.

Tariff," not having the least idea what picture the master operator would throw on the screen if a veto should come. In fact, there is some ground for the charge that the Clay Whigs had no desire to settle the tariff question, but to play the game of "heading Captain Tyler" and to lay their wires for 1844.[59] Some very probably believed that Tyler would sign the second bill but calm consideration ought to have convinced the leaders that a veto was inevitable.

The safest assertion is that party pressure dictated the course of the Whig leaders. The overwhelming sentiment of New England Whigs and a comfortable majority of Eastern Whigs in general were in favor of laying down their arms at the feet of the "Captain" and passing a separate tariff bill except for the fact that they stood in need of Western Whigs votes to carry such a measure.[60] It is true that there was a strong sentiment in the Northwest in 1842 in favor of protection for raw materials and infant industries,[61] yet if it had to forego the benefits of either distribution or protection, it would have given up the latter.[62] In the West distribution was desired for its own sake with protection an adjunct; in the East protection was *the* measure with distribution a welcome companion because it gave greater stability to the federal revenue,[63] disposed of a threatened surplus, and was in the nature of a guarantee against the appropriation by Western States of the public lands.[64] Distribution and protection went hand in hand and the one could not be abandoned without disappointment to a large number of its friends. The two great wings of the Whig majority needed mutual help and for the sake of the party had to put on a bold front.[65]

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[59] *Native American Bulletin* (St. Louis), Aug. 17, 1842; *The Madisonian*, July 8 and Aug. 19, 1842; *Mobile Register and Journal*, July 18, 1842; *Niles* (Mich.) *Republican*, Aug. 13, 1842; *Richmond Enquirer*, Aug. 2, 1842; Wash. Corr., *Charleston Courier*, July 8, 9, Aug. 10 and 17, 1842; Wash. Corr., *New York Union*, quoted in *Boston Courier*, Aug. 11, 1842; H. A. Wise to Constituents, Sept. 16, 1842, in *National Intelligencer*, Sept. 24, 1842; *Washington Globe*, Aug. 5, 1842. Wash. Corr., *Boston Evening Mercantile Journal*, Aug. 6, 1842.

[60] *New York Express*, quoted in *The Madisonian*, July 30, 1842; *Albany Journal*, quoted in *Albany Argus*, March 29, 1842; *Boston Courier*, July 22 and August 5, 11, 13 and 19, 1842; *Newburyport Herald*, quoted in *Boston Courier*, Aug. 6, 1842; *Boston Atlas*, March 19 and June 15, 1842; *Newark Daily Advertiser*, July 13 and Aug. 11, 1842; *Boston Advertiser*, *New York American*, N. Y. *Journal of Commerce*, *Philadelphia Evening Journal*, quoted in *Richmond Enquirer*, Aug. 23, 1842; Bates to Webster, July 19, 1842, Van Tyne, *Webster's Letters*, 272; J. Q. *Adams's Memoirs*, Aug. 4, 1842, XI., 227, 230; Cf. *Cong. Globe*, 27 Cong., 2 Sess., 616, 617, 626, 629, 641.

[61] Taussig, *The Tariff History of the United States* (5 ed. N. Y.,

The Whig party went to pieces on the public land question. The master helmsman Henry Clay could not steer the political craft amidst the angry blasts of sectionalism. He encountered serious obstacles in the national bank and the bankrupt bill but the tremendous currents stirred up by the

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1842); *Peoria* (Ills.) *Register and North-Western Gazetteer*, Aug. 26, 1842; *Green Bay* (Wis.) *Republican*, June 18, 1842; *Wabash Express* (Terre Haute, Ind.), July 13, 1842.

[62] Wash. Corr., *Charleston Courier*, Aug. 18, 1842; *Illinois Republican* (Shawneetown), July 16, Aug. 13 and Oct. 22, 1842; *Peoria Register*, May 6 and Aug. 19, 1842; *Hawkeye and Iowa Patriot* (Burlington), Aug. 18 and Sept. 8, 1842; *Lexington* (Ky.) *Observer and Reporter*, Sept. 17, 1842; *The Commonwealth* (Frankfort, Ky.), Aug. 30, 1842; Philadelphia *North American*, July 15, 1842; *Boston Atlas*, Aug. 13, 1842; Wash. Corr., *N. Y. Courier and Enquirer*, quoted in *National Intelligencer*, Sept. 3, 1842; Letter from "A Citizen of the Valley" to *Ibid.*, Oct. 13, 1842; *Ibid.*, Sept. 1, 7 and 10, 1842; *Boston Evening Mercantile Journal*, Wash., Corr., June 24 and 28 and July 2 and 5, 1842.

[63] Philadelphia *North American*, Aug. 23, 1842; *Boston Atlas*, July 21 and Aug. 15, 1842.

[64] Wash. Corr., *Newark Daily Advertiser*, Aug. 13, 1842.

[65] *Washington Globe*, Aug. 4, 1842; *U. S. Gazette*, quoted in *Boston Courier*, Aug. 16, 1842; *Boston Atlas*, Aug. 18 and 20, 1842; Philadelphia *North American*, Aug. 31, 1842; *Baltimore American*, July 15, 1842; Wash. Corr., *Newark Daily Advertiser*, Aug. 13, 1842.

stormy debates on the land policy combined with the tariff swamped him. Had Harrison remained in the White House, no man can conjecture what course events might have taken, but it is difficult to see how any party with the composite nature of the Whig party could have escaped demoralization at a time when the Eastern wing was pulling for protection, the Western faction for distribution, and the Southern members were opposing both. It is difficult to imagine a country with three great sections whose interests were so different. The manufacturing East looked with suspicion and jealousy upon the great West whose cheap lands of seemingly limitless extent were constantly attracting her citizens whose interests were sure to be identified with those of their new neighbors. The same considerations apply to the South whose influence in the councils of the nation was seriously menaced by Westward migration, the New England tariff policy, and the rising tide of abolitionism. The West has always chafed under the financial policies of the East. It has complained that it has been denied compensation of some sort. Pre-emption and distribution were demanded as a right, and when the other sections stood in the way of these measures, the West, party or no party, revolted. In the campaign of 1840 the Whig leaders smeared the issues, but no sooner was the excitement of the moment over than party unity was sacrificed to sectional considerations.

CHAPTER VI

DISTRIBUTION AFTER 1842

AFTER the three disastrous vetoes of 1842 distribution ceased to be a national issue of any considerable importance. Nevertheless Clay's favorite measure retained many friends in all sections of the country, who continued the agitation, in one form or another, up to the eve of the Civil War.[1]

From the adjournment of the stormy session of Congress in September, 1842, to the end of the presidential campaign of 1844 a large number of political meetings and conventions were held, in which distribution was indorsed and Clay named as the choice for the presidential nomination.[2] Dissatisfaction with the failure of distribution was especially strong in the debtor States. Both distribution and assumption of State debts were known to be out of the question with Tyler in the executive chair.[3] For this reason distribution metamorphosed into a "National Stock Proposition" which provided for the issue of stock to the amount of two hundred

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[1] In discussing the later phases of distribution I have not thought it necessary to burden the pages with footnote references, but rather to indicate those of greater importance.

[2] See files of *The National Intelligencer* for 1842, 1843 and 1844, in which extracts from other papers and accounts of meetings will be found in great number. The *Richmond Enquirer* and *North Carolina Standard* also contain much information.

[3] The slump in the sales of public lands from 1841 to 1844 led some to doubt the efficacy of distribution as an aid to the States. *Cf.* Dewey, *Financial History of the United States*, 248.

See Ward & Barings Sep 15, 1843 reporting
Webster's plan (Merk notes)

millions, bearing three per cent. interest, to be distributed among the respective States and Territories according to the federal ratio. The proceeds of the sales of the public lands were to be accumulated as a fund for the payment of the interest and the redemption of the principal.[4] Although even its opponents admitted that the plan gained many adherents, it never had a faint chance of becoming a law.[5]

In the campaign of 1844, although distribution was indorsed by the Whig and condemned by the Democratic platform,[6] the question was of comparatively little importance, except as a local issue in certain States, notably North Carolina.[7] Men of the stripe of Rives, of Virginia, declared for Clay and in the same breath declared that distribution was no longer an issue.[8] Prominent Whig speakers, including Clay and Frelinghuysen, before and during the campaign declared distribution was an important Whig measure,[9] while Democratic candidates specifically condemned it and with the Whig press predicted that Clay's election would mean the enactment of such a law.[10] After election Clay declared that his triumph would have meant the distribution of the land fund,[11] and he attributed his defeat to the hostility of the foreign element.[12] There may be some truth in the latter assertion because in the West his utterances against the squatter and pre-emption were used against him.[13] However, based on an examination of the newspapers of the time, it is safe to assert that in the South the Texan question and the possibility of war with Mexico swallowed up distribution, while in the North Texas and the encroaching Southern interests were the issues. Whether or not Clay's election would have been followed by a distribution law, his defeat certainly sealed its doom.[14] The Mexican War buried it under a national debt sufficiently heavy to keep it down for many years. By an act of Congress,[15] approved Jan. 28, 1847, the proceeds of the land sales were pledged to the extinguishment of the public debt. There is no evidence that distribution had the least influence in determining the election of the Whig candidates in 1848.[16]

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[4] *The National Intelligencer*, June 21, July 12, Oct. 1, Nov. 8, 1842, and Feb. 2, 11, 16, April 18, May 9, 16, Sept. 20, and Nov. 22, 1843.

[5] *Cong. Globe*, 27 Cong., 2 Sess., 620, 684, 686, 727, 731, 733-737, 738, 784, 882, 890, 891, 894, 930; *Ibid.*, 27 Cong., 3 Sess., 51, 74, 75, 95, 202, 204, 205, 206, 208, 211, 212, 214, 224, 226, 229, 235. *The National Intelligencer* for Nov. 22, 1843, prints in full the report of the select committee of the House of Representatives on the bill, the chairman of which was William Cost Johnson, the author of the bill.

[6] Stanwood, *A History of the Presidency*, 213, 220, 221.

[7] See files of *North Carolina Standard* for 1843 and 1844, especially Sept. 13, Dec. 20 and 27, 1843; March 20, April 24 and *June 5*, 1844, and Jan. 8, 1845.

[8] Rives's letter dated Jan. 1, 1844, in *National Intelligencer*, Jan. 12, 1844; *Richmond Enquirer*, Jan. 12, 1844.

[9] *National Intelligencer*, May 8, July 6, Aug. 12 and 27, 1844; S. A. Foot, *Autobiography*, II., 243, 246, 262, 264; *Whig Almanac*, 1843, p. 17; W. G. Brownlow, *A Political Register*, etc., 120, 121; McLaughlin, *Lewis Cass*, 202, 203; *Niles' Register*, LXVI., 106, 107; Seward's speech, *National Intelligencer*, March 11, 1844; *Ibid.*, Sept. 10, 1844.

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[10] *Richmond Enquirer*, May 9, June 4, Aug. 13 and 23, 1844; *National Intelligencer*, Aug. 15, 1844; Van Buren to Democratic State Convention of Indiana, Feb. 15, 1842. *Van Buren Papers*, 468.

[11] Clay to Babcock, Dec. 17, 1844. Colton, *Private Correspondence of Clay*, 513; Clay to Citizens of New Haven, Conn., Nov. 16, 1844. *National Intelligencer*, Dec. 21, 1844.

[12] Clay to Crittenden, Nov. 28, 1844. Coleman, *Crittenden*, I., 223, 224.

[13] *Arkansas Banner*, April 24, May 1, Oct. 9 and 23, 1844; *Arkansas State Gazette*, Feb. 28, May 8 and Oct. 9, 1844. Fear that Clay's election would be followed by stricter naturalization laws might have been of still greater importance.

[14] Cf. Ford, The Campaign of 1844, American Antiquarian Society, *Proceedings*, 1909-10. New Series, XX., 123.

[15] *Report of the Secretary of the Treasury*, Dec. 8, 1847, VI., 183; *Statutes at Large*, IX., 118-122.

[16] An examination of the files of the *National Intelligencer*, Philadelphia *North American*, *Richmond Enquirer*, *Illinois State Register*,

About the year 1850 distribution revives, and, curiously enough, becomes of greatest importance in the very section of the country which had formerly borne the greatest hostility toward it. In some regions of the South it became such a live issue that party leaders based their appeal for support on it and in some cases even parties split on it.[17] The Whig party after 1854 ceased to be a serious contender for political honors, and its successor, or rather its substitute, the Native American party, flew the distribution flag at its mast head as one means of drawing attention from its former record and attracting those who did not feel at home with the Democrats.[18] The year 1854 saw the birth of a sectional party organized in opposition to the slave-holding aristocracy which was in control of the administration. This party in its fight against the Southern leaders adopted the policy of land grants to railroads and later the homestead measure as a bid for Western support. This action of the Republican party, especially the adoption of homestead, opened the eyes of the South and some people of the East to the fact that they were in danger not only of losing their share in the proceeds of the public lands through the medium of the federal treasury, but that they were in immediate danger of losing a very considerable portion of their population which would be attracted to the West by the free lands. Hence distribution was seized upon as a counter-agent to homestead or land grants.[19] The anticipated sur-

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Mississippi Free Trader, The Mississippian, Richmond Whig, North Carolina Standard, Wilmington (N. C.) *Standard, Wilmington* (N. C.) *Journal* and *Charleston Mercury* leads to this conclusion. The Democrats adopted an anti-distribution plank in their platform.

[17] In North Carolina.

[18] Cf. *The Daily Union* (Washington, D. C.), June 14, 1854; *Wilmington Journal*, April 27, 1857.

[19] *Floridian and Journal*, Feb. 28, 1852, and Jan. 7, 1854; *Richmond*

plus in 1857 also gave an impetus to the movement.[20]

The revival of distribution assumed two forms, that of distributing the land revenue[21] and of distributing the lands themselves among the States according to a fixed ratio. The most important of these projects was the bill introduced by Representative Bennett, of New York, in 1852, providing for a grant of lands to the various States and Territories according to a fixed ratio.[22] It passed the House in 1852 with practically all Whigs in favor and the great majority of Democrats in opposition. The bill, in modified forms, hung fire until 1857. It was very unpopular in the

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Whig, March 4, 9, 23, April 23 and June 30, 1852; *Minnesota Democrat*, April 26, 1852; *Daily Chronicle and Sentinel* (Augusta, Ga.), June 1, 1852; *Delaware Republican* (Wilmington), July 2, 1852; *North Carolina Standard*, June 1, July 26, and Nov. 11, 1853; *Charleston Courier*, Jan. 2, 1854; *Charleston Mercury*, March 9, 1857; *Republican Banner and Nashville Whig*, Jan. 6 and 7, 1854; Feb. 5 and 20, March 10, 25 and 26, 1857, and several numbers in May, June and July, 1857; *Charleston Evening News*, quoted in *Republican Banner and Nashville Whig*, Jan. 29, 1857; Bell's speech, *Ibid.*, March 11, 1858; *Baltimore Clipper*, July 13, 1854; *Wilmington Daily Journal*, April 11, 1857; *Memphis Daily Appeal*, May 12, 31 and June 2 and 4, 1857; *Cong. Globe*, 31 Cong., 1 Sess., 878; *Ibid.*, 31 Cong., 2 Sess., 313, 314; *Ibid.*, 33 Cong., 1 Sess., 873.

There was consistency in the adoption of a measure hostile to homestead by an anti-Catholic and anti-foreign party, since distribution was incompatible with the policy of giving the public lands to actual settlers, which was an inducement to immigration.

[20] *National Intelligencer*, Aug. 25 and 29, 1857; *The Washington Union*, May 21 and 22, 1857; *Cong. Globe*, 34 Cong., 3 Sess., 738-740, 792, 793.

[21] Bell's bill defeated in Senate 19 to 30, May 2, 1850. *Cong. Globe*, 31 Cong., 1 Sess., 900. Campbell's Deposit bill, *Wilmington Journal*, April 6, 1857.

[22] *Cong. Globe*, 32 Cong., 1 Sess., 1836; *Ibid.*, 33 Cong., 1 Sess., 848-851; *House Reports*, 34 Cong., 3 Sess., No. 263; *St. Anthony* (Minn.) *Express*, July 30, 1852; *Southern Advocate* (Huntsville, Ala.), July 14, 1852; *National Intelligencer*, Jan. 7, 1854; *Evening Star* (Washington, D. C.), July 6, 1854. See Sanborn, *Railroad Land Grants*, 40 seq.

West where it was feared, with good reason, that in their eager desire to convert the lands into cash, the States would put their lands on the market very cheap with the result that most of them would be snapped up by speculators.[23]

As a national issue distribution cut no figure in 1852, although the Democratic party again incorporated an anti-distribution plank in its platform, but, in the words of the *New York Weekly Tribune*,[24] it was "throwing stones at a dead dog, without having the courage to look a live one in the face."

In Virginia the Whigs made an attempt to stir up enthusiasm in 1852 for Bennett's bill, and adopted a resolution endorsing it at the State convention,[25] but aside from the year 1857, when the Know-nothing party made its fight solely on the issue of distribution, there was not much enthusiasm.[26]

In Tennessee the Native Americans succeeded in reviving distribution to such an extent that in the State campaign of 1857, although they were defeated, the Democratic candidate for governor deemed the issue of sufficient importance to meet his opponent in joint debate on the subject on several occasions.[27]

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[23] *Knoxville* (Tenn.) *Plebeian*, quoted in *Arkansas State Gazette and Democrat*, Aug. 6, 1854; *Alton* (Ill.) *Telegraph*, June 25, 1852; *The Pennsylvanian*, quoted in *The Daily Union* (Wash.), June 29, 1852; *Jefferson* (Mo.) *Inquirer*, Dec. 4 and 22, 1852; *Arkansas State Gazette and Democrat*, Aug. 6, 1852; *Keokuk* (Ia.) *Dispatch*, quoted in *Iowa Republican* (Iowa City), Jan. 25, 1854; A. C. Dodge to Benton, Nov. 11, 1852, in *St. Louis Democrat*, quoted in *Jefferson Inquirer*, Nov. 27, 1852; *Republican Banner and Nashville Whig*, April 19, 1857; *Goldsborough Republican and Patriot*, quoted in *North Carolina Standard*, June 16, 1852; *Cong. Globe*, 31 Cong., 1 Sess., 900.

[24] *June 12, 1852.*

[25] *Richmond Whig*, April 16, Sept. 10, 22 and 29, 1852; *Richmond Enquirer* (semi-weekly), April 20, 1852; *New York Weekly Tribune*, April 24, 1852; *Lexington* (Va.) *Gazette*, quoted in *Richmond Whig*, May 14, 1852.

[26] *Richmond South*, quoted in *North Carolina Standard*, June 17, 1857; *Ibid.*, May 23 and June 13, 1857; *The Valley Spirit* (Va.), quoted in *Washington Union*, May 23, 1857; *Memphis Daily Appeal*, May 13 and 29, 1857; *Wilmington* (N. C.) *Daily Journal*, April 3, 1857.

Distribution gained the greatest following of all in North Carolina. In the struggles between the friends and foes of distribution in Tyler's administration the North Carolina senators voted constantly against the twenty per cent. proviso and in favor of its repeal later. The State had engaged in internal improvements for which the land fund was desired, especially in the "up country."[28] In fact, the revival of distribution assumed the character of a struggle between tide water and the up country. In 1852 the "insurgent" Democrats prevented the election of a United States senator[29] who was known to be hostile to distribution, and ran distribution candidates in several sections.[30] The following year the Whigs took up distribution, and, although they met defeat, the Democrats suffered heavy losses.[31] In

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[27] *Republican Banner and Nashville Whig*, May 8, 22, June 16 and 17, Aug. 1, 4 and 9, 1857; *Memphis News*, quoted in *Ibid.*, June 11, 1857; *Louisville Journal*, quoted in *Ibid.*, July 18, 1857; *Memphis Daily Appeal*, April 24, 1857; *The Republican Banner* for May, June and July, 1857, contains accounts of several joint debates between Hatton, Whig and American candidate for governor, and Harris, the Democratic nominee.

[28] Cf. Address signed by thirty-seven Western members of the State Legislature on the subject of free suffrage and a State convention, *Wilmington Journal*, Feb. 24, 1851; *Ibid.*, May 9, 1851, and Feb. 27, 1854.

[29] Dobbin. *Wilmington Daily Journal*, July 28, 1852.

[30] *North Carolina Standard* (semi-weekly), May 29, June 1, 15, 19, 22 and 29, July 9, 13, 16, 20, 23 and 27, Aug. 6, 10 and Sept. 24, 1852; *Salisbury Banner* and *Charlotte Democrat*, quoted in *North Carolina Standard*, May 23 and Nov. 26, 1852; *Wilmington Daily Journal*, June 8, 12, 16, 22, 23, July 22, 23, 26, Aug. 2, 3, 4, 5, 10 and 11, 1852.

[31] *Elizabeth City Pioneer*, quoted in *North Carolina Standard*, Nov. 18, 1853; *Democratic Pioneer*, quoted in *Ibid.*, Nov. 16, 1853; *Roanoke Re-*

1856 the issue was dead,[82] but in the congressional canvass the next year the distributionists made a strong effort[83] but they lost all contests except one. The gubernatorial campaign which followed in 1858 again brought forth the land question. The Know-nothings did not put a candidate in the field, but a Democrat running on a distribution ticket opposed the regular Democratic nominee.[84] After this year distribution ceased to be an issue in North Carolina.

The scheme to distribute the proceeds of the sales of the public lands is much more than an episode in the history of the public land policy. It was never given a fair trial, but the proposition was before the country for a long term of years and attracted many friends. As a study in sectionalism it is of first-rate importance because it figured prominently in State and national campaigns, was discussed at public meetings, and was a fruitful theme for newspaper discussion. Moreover, it is impossible to understand our tariff history in the thirties and early forties without having clearly in mind the political and sectional line-up on distribution. The political fortunes of Henry Clay were profoundly influenced by his stand in the public land question. It perhaps would not be entirely inaccurate to say, as Senator Preston said, that Clay's enemies in the great tariff agita-

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publican, quoted in *Ibid.*, Nov. 10, 1853; *Fayetteville Carolinian*, quoted in *Ibid.*, Nov. 10, 1853; *Salisbury Banner*, quoted in *Ibid.*, Nov. 26, 1853; *North Carolina Standard*, November and December, 1853; January, February, March, April 1 and 5, May and August, 1854; *Wilmington Daily Journal*, Dec. 30, 1853, February and August, 1854.

[82] See files of *North Carolina Standard* and *Wilmington Daily Journal* for 1856.

[83] *Ibid.*, 1857.

[84] *North Carolina Standard*, December, 1857, January, February, March, April, May, June, July and August, 1858; *Wilmington Journal*, July and August, 1858; speech of Representative Goode, of North Carolina, Jan. 19, 1859. *Cong. Globe*, 35 Cong., 2 Sess., 466.

tion attempted "to bury him under the public domain."[85] The public land question in Clay's time was so important and the sectional feeling on it so varied and intense that a candidate for the presidency greatly lessened his chances of election by coming out for a clean-cut solution of the problem. In order to secure the right setting for a given measure, it is necessary to take a cross sectional view of the conditions at that time. Any such view during the three decades preceding the Civil War would show the great importance of the public lands.

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[85] Speech at Charleston, May 29, 1841. *National Intelligencer*, May 29 and June 1, 1841.

CHAPTER VII

THE BEGINNING OF THE NATIONAL HOMESTEAD AGITATION

THE problem of the public lands was by no means settled by the enactment of the pre-emption law of 1841. The West was not easily satisfied; it accepted the law as a concession wrung from a reluctant Congress whose sympathy for the West was far from cordial. This was proved when new projects antagonistic to pre-emption were constantly brought forward by men whose understanding of Western conditions was decidedly superficial and whose devotion to their own sections and personal interests was clearly seen. It is not to be thought that the West was a unit on the land question or that the Western point of view was always correct. On specific propositions the interests of the Western States and of individuals within the States clashed. For instance, as a general rule the West was hostile to the policy of issuing land warrants to soldiers, but there were many pioneers who had accumulated a little capital who eagerly grasped the opportunity of purchasing warrants at reduced rates from speculators.

The same was true in the case of land grants to railways, which at first blush appears contrary to the pioneer spirit. The pioneer was an extreme individualist and when aid to railways in the form of a grant of public lands meant more money in his pocket by increasing the value of his land and securing better markets, he was anxious to put it through. It depended upon what disposition was made of lands

Speculator

granted to individuals, corporations, and States whether or not the Western man placed himself in opposition. If the grants to States or to individuals satisfied the demand for cheap lands, no great need for a pre-emption or homestead law was felt. The pioneer did not care so much how he secured lands as he did about convenience and cheapness in securing them. He wanted to secure title in the shortest time possible with the least possible expense. The sooner title could be secured the sooner the pioneer could obtain a loan on it and the greater security he felt from speculators.[1]

The pre-emption law greatly increased the volume of business in the land offices[2] and was productive of much fraud, both on the part of "settlers" and speculators.[3] Through his superior financial resources and ability to employ shrewd men to locate the choicest lands the speculator frequently got the best of the settler. His agents were instructed to select those tracts most likely to advance rapidly in value due to advantageous situation, excellence of soils, minerals, water power, or with reference to settlements already made; and, as a result, when the land sales opened, he knew exactly what tracts were unoccupied and of greatest value.[4]

According to law a title could not be secured to a tract of government land unless it had been proclaimed for sale by the President of the United States. Before the date set for the sale pre-emptioners had to make payment in order to prevent their claims from being sold to other parties. In a new country money is almost always "tight" and in order to secure the amount necessary to consummate the title settlers were often obliged to borrow money at exorbitant rates of interest, sometimes as high as fifty or one hundred per cent.[5] All possible means were brought into play by unfortunate settlers to have the auction sales postponed.[6]

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[1] F. H. White, *The Administration of the General Land Office 1812-1911.* Ms. in Harvard Library (1912), pp. 99 seq., 226 seq.

[2] *Ibid.*, 57.

[3] *Ibid.*, 191 seq.

[4] *Weekly Chicago Press and Tribune*, Feb. 3, 1859.

Horace Greeley, on his Western trip in 1847, wrote that a large portion of the settlers came destitute, having expended what money they could raise by the sale of their effects in the East in looking for lands and removing their families, so that after the necessary amount had been expended in building cabins and stocking their farms most of them were penniless.[7] The food for the pioneer's family had to be purchased for a year at least; and before he was able to save one hundred dollars in cash he had to bestow three or four hundred dollars' worth of labor upon permanent improvements. If his claim was located in a region which had been proclaimed for sale, it was, after a year, liable to be purchased by anybody who happened along, unless intimidated by public opinion or a Claim Association.

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[5] These conditions are not peculiar to any one time or place. See for example: *Peoria Register and North-Western Gazetteer*, July 16, 1841; *Chicago Express*, quoted in *National Intelligencer*, March 7, 1843; *Nebraska Advertiser*, Jan. 29, 1857; *St. Paul Times*, Aug. 4, 1859; Polk's messages, Dec. 2, 1845, and Dec. 7, 1847. Richardson's *Messages and Papers*, IV., 409, 410, 558; Report of Secretary of the Interior, Dec. 9, 1858. *Senate Executive Documents*, 35 Cong., 2 Sess., I., 73.

[6] Report of the Commissioner of the General Land Office, Nov. 29, 1856. *Senate Executive Documents*, 34 Cong., 3 Sess., II., 190. There always was considerable dissatisfaction in the West with auction sales, for besides favoring the speculators, they drained the circulating medium from the country. See resolution introduced in House of Representatives by Chapman, delegate from Iowa Territory, April 6, 1840. *Cong. Globe*, 26 Cong., 1 Sess., 309; *St. Louis Republican*, quoted by *Charleston Courier*, April 17, 1857; *Council Bluffs Bugle*, quoted by *Nebraska Advertiser*, March 11, 1858.

[7] Letter from Milwaukee, Wisconsin Territory, dated July 3, 1847. *New York Weekly Tribune*, July 17, 1847.

Undoubtedly the pre-emption law did mitigate speculation but there is any amount of evidence to prove that it continued to be a great evil.[8] As a result of large tracts held by non-residents, settlers who wanted cheap lands had to go still farther into the wilderness, away from society and market, making the problem of defense against the Indians and the administration of justice difficult, and increasing the burden of taxation for the settlers whose lot was already sufficiently burdensome.[9] *The St. Anthony* (Minn.) *Express* said, in 1852:[10] . . . "We have a set of speculators, land sharks, Shylocks, in this Territory, who have bought all the lands in close proximity to the villages, and refuse to sell it, except at a considerable advance on Government price." In a letter from Milwaukee, Wisconsin Territory, July 3, 1847,[11] Greeley wrote that the mischief already entailed on the industry and business of that country by land speculation was incalculable. Whenever, upon a natural harbor, a bay, a head of navigation, or a water fall, a village began, or promised to spring up, the speculator or his agent was early on hand and pounced on all the unoccupied land within a circuit of a mile or two. This he would hold for a price treble or sixty-fold that he had paid for it. Meanwhile, according to Greeley, his tract was a blight and a cancer, giving employment to no labor, contributing nothing to the erection of school-houses or churches, or the en-

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[8] Report of the Secretary of the Interior, Dec. 3, 1855. *House Executive Documents*, 34 Cong., 1 Sess., Doc. No. 1; *N. Y. Weekly Tribune*, Jan. 22, 1848; *Council Bluffs Bugle*, quoted in *Nebraska Advertiser*, March 11, 1858; Resolution of Legislature of Iowa, Feb. 20, 1858. *Senate Mis. Doc.*, 35 Cong., 1 Sess., Doc. No. 176.

[9] Washington *Daily Union*, March 18, 1857; *N. Y. Semi-Weekly Tribune*, July 22, 1853; *Charleston Courier*, June 30, 1856.

[10] Feb. 14.

[11] *N. Y. Weekly Tribune*, July 17, 1847.

Land Warrants

couragement of merchants or citizens, and insuring the continuance of wretched, stumpy, miry roads all around the village.[12]

The ill-advised policy of the federal government in issuing bounties to soldiers in the form of assignable land warrants was a contributory cause of the speculative mania.[13] Many people thought this was a fitting and convenient method of rewarding those who had served their country, but it proved of little benefit to the soldier and of great injury to the West and the government. Not wishing to locate his warrant, or not being in a position to do so, the soldier disposed of it at a great discount to a speculator who used it to pay the government for the land he purchased. Of course, the more land warrants issued the cheaper they became, and the greater the speculation. Warrants were bought and sold on the stock market just as railway stocks are to-day,[14] and in anticipation of the opening of new land offices speculators "salted down" large quantities of them.[15]

Bills making land warrants assignable were opposed most vehemently in the West. Unless he was the original owner of the warrant, a man could not pre-empt land with it until after the act of March 22, 1852,[16] while a speculator might purchase as much as he pleased with warrants for which he had paid as low as $20 for a hundred and sixty acre grant.[17]

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[12] It should be remembered that these are the words of a Fourierist and a land limitation reformer.

[13] The question of land bounties is discussed in more detail in another connection.

[14] *N. Y. Weekly Tribune*, May 15, 1852; *Semi-Weekly Tribune*, June 26, 1855; *Baltimore Sun*, May 3, 1854, and Feb. 14, 1857; *Charleston Courier*, Dec. 6, 1856.

[15] *Chicago Free Press*, quoted in *Charleston Courier*, Feb. 1, 1856.

[16] *Statutes at Large*, X., 3, 4.

[17] *Cong. Globe*, 31 Cong., 1 Sess., 1706; *Ibid.*, 32 Cong., 1 Sess., 300, 301, 312; *N. Y. Weekly Tribune*, Nov. 13, 1852.

Moreover, the public land States did not receive a percentage of the revenue derived from the sale of lands within their limits when paid for in warrants.[18] Apropos of a bill making land warrants assignable pending in Congress in 1852, the *St. Anthony* (Minn.) *Express* [19] said:

". . . We believe the passage of that bill must prove most disastrous to the true interests of Minnesota. And not only to her, but to all the new States and Territories. This measure does not originate from the West—is not desired by this section. It is an infamous scheme of Eastern speculators, to inflict a lasting curse on our Territory. . . . Nearly 200,000 land warrants yet remain to be located. If assignable, not more than one-third or one-fourth of these will be located by the original holders. Land sharks will swallow all the rest, and disgorge them, polluted by their blighting touch, upon the fairest portions of our Territory. Instead of boats swarming with an energetic, hardy, industrious crowd of farmers and mechanics, they will be encumbered by the agents of Eastern *millionaires*, their pockets stuffed with warrants, who like the flies that came upon the borders of Egypt, will cause the land to stink. . . . If the Bill . . . passes Congress, there is but one course that we are aware of, that will secure us from the evils we have deprecated—let our Legislature pass an act, taxing the lands of non-residents so highly, as to amount to a prohibition of purchase." [20] . . .

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[18] Under act of *Sept.* 4, 1841. See *Cong. Globe*, 31 Cong., 1 Sess., 601.

[19] Feb. 28, 1852.

[20] Attempts were made by Benton to amend bounty bills by providing that a holder of a land warrant should not sell his claim before the patent was issued and not for at least five years thereafter. Jan. 16, 1847. *Cong. Globe*, 29 Cong., 2 Sess., 199; Jan. 19, 1847. *Ibid.*, 203-207. See also speech of Senator Borland, of Arkansas, Jan. 16, 1849. *Ibid.*, 30 Cong., 2 Sess., 265.

Labor

It is obvious that the West would not tolerate willingly a law which made possible such conditions as existed under the law of 1841, and, indeed, it was continually clamoring for a law which would reserve the public domain for actual settlers.

Next to the pressure of public opinion in the West, the labor movement in the East was the greatest factor in the agitation for reserving the public lands for settlers. Land reform was one of the issues washed up by the great radical wave which swept over America in the forties. As the frontier was pushed westward the lack of transportation facilities made it increasingly difficult for men of small means in the East to go to the cheap lands in the West which could not be reached by water.[21] The lack of organization of Western colonization, such as operates in Canada at the present time, and the natural inertia of many laboring men also retarded Western settlement. As a consequence of a variety of causes, immigration to this country became increasingly great in the forties and fifties, and in accordance with a well-known rule, the greater proportion of foreigners remained in the cities of the seaboard.[22] The accumulation of capital and the introduction of machinery resulted in the establishment of large factories and the development of congested industrial centres with consequent loss of independence on the part of the wage-earners, long hours, and unsanitary conditions, so that about the middle of the forties laborers commenced to speak of the "Bastiles of New England."[23] The rising cost of living, due to a variety of causes, was also felt in the homes of the workingmen.[24] There was a close connection between the agitation for land reform and periods of industrial depression. The increasing activities of lobbyists representing corporations and monopolies in the national and State capitols were naturally distasteful to laboring men who felt that their interests were neglected and sacrificed.[25]

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[21] As late as 1849 not a mile of railway existed in Wisconsin, Missouri, Arkansas, Tennessee, and Texas. McMaster, VIII, 88. See maps accompanying Prof. Paxson's article on "The Railroads of the 'Old Northwest' before the Civil War." *Transactions of the Wisconsin Academy of Sciences, Arts, and Letters*, XVII., 243-274.

[22] S. C. Johnson, *A History of Emigration from the United Kingdom to North America*, 1763-1912, 195 seq. See Report of the Superintendent of the Census for Dec. 1, 1852, quoted in *Ibid.*, 189 seq.

The cleavage between labor and capital, or between the "rich" and the "poor," had commenced to show itself as early as the twenties in the rise of trades unions, the establishment of labor papers, and the formation of the Working Men's party.[26] It crops out again in the Loco-Foco party of the latter half of the next decade, which was much indebted to the Working Men's party for issues, leaders, and precedents.[27] In its essence the movement was a protest against common law regulations which bore down on the laboring man.[28] The Loco-Foco agitation has never been thoroughly studied, but it is safe to assert that its influence was great. It seems certain that the adoption of pre-emption by the Democratic party was in large measure due to this movement which was fostered by men of strong personality and qualities of leadership.[29]

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[23] *Working Man's Advocate*, Sept. 28, 1844.

[24] McMaster, VIII., 109-111; *N. Y. Semi-Weekly Tribune*, Feb. 3, 1854.

[25] Speech of Senator Seward, of New York, Jan. 29, 1855. *Cong. Globe*, 33 Cong., 2 Sess., 433; speech of Representative John Kelly, of New York, April 30, 1856. *Ibid.*, 34 Cong., 1 Sess., 1065.

[26] Wellington, *Influence of the Public Lands*, 7, 8, 42; *Documentary History*, 43 seq.

[27] Byrdsall, *The History of the Loco-Foco or Equal Rights Party*, 13-15.

[28] *Ibid.*, 57, 58.

[29] Compare Wellington, *Influence of the Public Lands*, 68 seq.

The Loco-Foco organization soon crumbled and for a few years labor had no organ; but the labor leaders were not passive and, in 1844, with the prominent men of the Working Men's and the Loco-Foco parties as a nucleus, an organization more powerful than either of the former was effected. The most prominent leader in the new movement was George Henry Evans, an extreme radical for his time, but a man of undoubted sincerity and of no mean ability. Without the frills of a demagogue, Evans rendered a real service for the cause of labor and humanity. With the eyes of an individualist he saw that the contest between labor and capital was bound to result to the disadvantage of the former. In his native England he had seen the horrors of the factory system, the growing poverty and dependence of laboring men and women, and the strong grip of capital upon the government. With Evans was associated a group of radicals who were likewise alarmed at the trend of the times. The most prominent among these were Lewis Masquerier, Parke Godwin, Mike Walsh, Thos. A. Devyr, A. E. Bovay, Ransom Smith, John Windt, Alexander Ming, Jr., and John Commerford, the last three of whom had been connected with the Loco-Foco party.[30] Their principles were voiced through the medium of *The Working Man's Advocate*, edited by Evans, which appeared in March, 1844.

There is no doubt that Evans was disturbed by the great influx of immigrants into the labor market,[31] but he would have nothing to do with the proposition to extend the time required for naturalization or to restrict immigration in any way. Rather, said he, seek out the reasons why, in such an immense and comparatively uncultivated country, every able bodied immigrant should not be a desirable acquisition. The obvious remedy, he insisted, was to encourage newcomers to go West to convert the wilderness into fruitful farms. To the traffic in the soil he attributed the vast inequality of condition among people.[22] If on the first settlement of this country the natural rights of man had been recognized and an equal allotment of the soil had been made, on the principle of allowing to each family sufficient for their subsistence, with restrictions against any further accumulation, he believed that every man might have been a land-holder, either of a farm or lot at his option; population would have been far less scattered; fewer roads, canals, and bridges would have been necessary; land would have been much better improved; and markets much more accessible. In short, Evans believed that the freedom of the public lands would be the *entering wedge* to effect the regeneration of society.[23] Fourierism, with its American modifications, he regarded impractical;[24] and he was skeptical of trades associations because he was convinced that capitalists would always get a sufficient number of workingmen to sell their labor cheap.[25] "Being united on the Ten Hour System as a *means*," he wrote, "let us unite on the Freedom of the Public Lands as an *end*."

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[30] Byrdsall, 16, 17.

[31] *Working Man's Advocate*, June 15 and August 3, 1844.

The agitation for the freedom of the public lands did not originate in 1844; it is one of the most deep-seated pioneer ideas.[26] The origin on the "homestead" doctrine goes back to the time of the first "West." "The practice of 'squatting' on lands was one of the oldest traditions in the colonies," says Miss Ford,[37] "and had become too general to be wiped out by legislation." About 1845, however, the soil was in a condition peculiarly favorable to nourish the seeds scattered by Evans and his associates. Besides the conditions already enumerated, the anti-rent disturbances in New York vitalized the picture which their leaders had sketched for the laboring men, which was bound to come as a result of land monopoly,[38] and when the news of the famine in Ireland reached our shores the colors were brought out even more strongly.[39] In addition to the *Working Man's Advocate*, the land reformers carried on their campaign of education through an organization known as The National Reform Association, the avowed purpose of which was to make the public lands of the States and of the United States free to actual settlers and to *actual settlers only*.[40] The lands were to be laid out in farms and lots which any man not possessed of other lands might take possession of and keep during his life or pleasure, with the right to sell his improvements at any time to any one not possessed of other land.

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[22] *Working Man's Advocate*, April 6, 1844.

[23] *Ibid.*, Sept. 28, 1844.

[24] *Ibid.*, April 20, 1844.

[25] *Ibid.*, Nov. 23, 1844.

[26] Ford, *Colonial Precedents*, Chapters VI. and VII.; Dawson's speech, Jan. 10, 1855. *Cong. Globe*, 33 Cong., 2 Sess., 231.

At the first meeting of the National Reformers in New York, in May, 1845, a committee was appointed, which issued a call to farmers, mechanics, and other friends of reform to send delegates to a national convention to be held in New York City the following November.[41] The address, while praising the work of other organizations—such as the Democratic party, abolitionists, temperance reformers, peace societies, and associationists—declared that no real reform could come until the soil was restored to the people.

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[37] Ford, *Colonial Precedents*, 112.

[38] Jenkins, *Silas Wright*, 179-186, 207-212. See files of *New York Weekly Tribune* for 1845 and McMaster, VIII., 97-112.

[39] *The Working Man's Advocate* and *The Voice of Industry* (Lowell, Mass.) for 1844, 1845 and 1847 bear out this statement.

[40] *Working Man's Advocate*, April 6, 1844.

[41] *New York Weekly Tribune*, Sept. 27, 1845.

These initial movements resulted in the organization of various groups—national, state, and city industrial congresses, labor associations, industrial legislatures, and mass meetings—in which resolutions were adopted indorsing the movement for the freedom of the public lands.[42] Able speakers were engaged to expound the benefits of free lands to laboring men whenever occasion presented itself. In a short time auxiliary organizations sprang up in all parts of the East and West. Cleverly worded circulars and petitions were distributed, not only among "laboring" men, but among all classes of society. Printed petitions were sent to all parts of the country for citizens to sign. The memorial most extensively circulated[43] declared that the system of land traffic imported to this country from Europe is fast debasing Americans to the condition of dependent tenants, and that in the infancy of the Republic effectual measures should be taken to eradicate the evil. Therefore, the government should no longer traffic, or permit traffic, in the public lands. They should be laid out in farms and lots for the free use of such citizens (not possessed of other land) as will occupy them. The following reasons for such a disposition of the lands were given: (1) It would increase the number of free holders, and decrease the anti-republican dependence of those who might not become free holders; (2) the price of all land held for traffic would gradually decrease, as the drain of population would be to where the land was free; (3) city populations would diminish gradually till every inhabitant could be the owner of a comfortable habitation; (4) a standing army could be dispensed with, because the frontier would be defended by independent and patriotic freemen; (5) the danger of Indian aggressions would be lessened if people took only enough land for their use; (6) the wastefulness of the present system would be abolished, because each land holder would improve his limited holdings; (7) prosperity would be more equally distributed; (8) crime, idleness, and office-seeking would be done away with; (9) in a great measure, the necessary evil of laws and lawyers would be lessened, as there could be no dispute about rents, mortgages, or land titles. These petitions, signed by as many as five hundred, or more, literally poured into Congress from 1846 to 1852.[44]

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[42] The material on this subject is so voluminous that, instead of attempting to cite specific references, the reader is referred to the files of *The Working Man's Advocate*, *The New York Weekly and Semi-Weekly Tribune*, *The Harbinger*, *The Voice of Industry*, *Der Volks-Tribun*, *Sociale Republik*, and *Die Reform*.

[43] Printed in *Documentary History*, VII., 317-390. Some of these petitions, headed "Young America-Extra-Freedom of the Public Lands," are preserved in the *House Files* of the 29th and 30th Congresses. They are uniform in style and subject matter and were, no doubt, sent out by the National Reformers to all parts of the country.

Another very effectively worded document, entitled "Vote Yourself a Farm," was circulated.[45] To quote some of the striking passages: "Are you an American citizen? Then you are a joint owner of the public lands. Why not take enough of your property to provide yourself a home? Why not vote yourself a farm?

"Remember poor Richard's saying: 'Now I have a sheep and a cow, every one bids me 'good morrow.' If a man have a house and home of his own, though it be a thousand miles off, he is well received in other people's houses; while the homeless wretch is turned away. The bare right to a farm, though you should never go near it, would save you from many an insult. Therefore, Vote yourself a farm.

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[44] Senator Walker, of Wisconsin, on April 26, 1852, presented a petition fifty-two feet in length. *Cong. Globe*, 32 Cong., 1 Sess., 1186. March 3, 1853, he declared that "hundreds of thousands, if not a million," petitions had been presented to Congress. *Ibid.*, 32 Cong., 2 Sess., 1084, 1085.

[45] Printed in *Documentary History*, VII., 305-307.

"Are you a party follower? Then you have long enough employed your vote to benefit scheming office-seekers; use it once to benefit yourself—Vote yourself a farm. . . .

"Are you a man? Then assert the sacred rights of man—especially your right to stand upon God's earth, and to till it for your own profit. Vote yourself a farm.

"Would you free your country, and the sons of toil everywhere, from the heartless, irresponsible mastery of the aristocracy of avarice? Would you disarm this aristocracy of its chief weapon, the fearful power of banishment from God's earth? Then join with your neighbors to form a true American party, having for its guidance the principles of the American revolution, and whose chief measures shall be—1. To limit the quantity of land that any one man may henceforth monopolize or inherit;[46] and 2. To make the public lands free to actual settlers only, each having the right to sell his improvements to any man not possessed of other land." . . .

Evans and his followers believed that the public domain was so vast that many generations would pass away before it would be inhabited, thus remaining a safety valve for society. They sought to induce the old parties to adopt land reform, but in case they failed, they were prepared to form an independent party. In another connection an account of the political activity of the National Reformers is given. Let it suffice in this place to say that within a very short time the methods of these radicals were so successful that independent candidates and tickets were appealing for votes on the issue of land reform. A minute study of the documents and newspapers in New England and the East would, in all probability, show that the work of the land reformers had a profound influence in determining the selection of candidates for state and national offices and on the political situation generally.[47]

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[46] The movement to limit the amount of land a man could own or inherit assumed considerable importance, especially in Wisconsin, from 1848 to 1851. See J. G. Gregory, *The Land Limitation Movement, A Wisconsin Episode of 1848-1851. Parkman Club Publications*, No. 14, pp. 89-112. *Janesville Gazette*, quoted in *Wisconsin Statesman*, Feb. 18, 1851. Horace Greeley was an enthusiastic supporter of the measure. *New York Weekly Tribune*, March 1, 1851.

The cause of land reform received a great impetus when Horace Greeley with his influential *New York Tribune* joined the movement.[48] As a warm protectionist Greeley through *The Log Cabin* and *Tribune* had advocated the distribution of the proceeds of the sales of public lands,[49] but, in October, 1845, he became an enthusiastic land reformer. Next to a prohibition law he regarded the freedom of the public lands as the great legislative antidote to the fearful tendency of his time, as he viewed it, to a deluge of pauperism.[50] He did not believe that land reform would of itself counteract this tendency, but he did believe it was a step in the right direction. That loafers and vagrants would not take advantage of their opportunity he admitted, but many "woodsawyers, stevedores, cartmen, and laborers, who find the city too hard for them," would be allured to the free lands of the West and give place to those who needed places. "When, soon after taking my seat [in Congress],"[51] he said, "I introduced a bill authorizing each landless citizen of the United States to occupy and appropriate a small allotment of the National Domain free of charge, a Western member wanted to know why New York should busy herself as to the disposal of the Public Lands. I responded that *my* interest in the matter was stimulated by the fact that I represented more landless men than any other member on that floor."

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[47] Manifestly it would be unprofitable to cite specific references to the great number of petitions that were circulated throughout the country, which found their way to Congress.

[48] *The Weekly Tribune* for Oct. 18, 1845, printed the "Vote Yourself a Farm" circular. This is the first mention of the freedom of the public lands in the *Tribune* that I have seen.

[49] *The Working Man's Advocate* for June 15, 1844, lamented the fact that such intellects as Bryant's and Greeley's should be racked in the discussion of the best mode of protecting American industry, while neither dared to allude, even by innendo, to the all important point involved in the discussion—the right of American industry to the free use of the soil.

[50] *Semi-Weekly Tribune*, June 23, 1854.

Greeley's influence in promoting the cause can hardly be overemphasized. Mr. Rhodes says that many readers of the *Weekly Tribune* looked upon it as a kind of political bible.[52] In the homes of the wage-earners of the East and in the settlers' cabins of the West it was prized and cherished.[53] One Western editor,[54] in 1853, wrote that "the influence of *The Tribune* upon public opinion is greater than its conductors claim for it. Its Isms, with scarcely an exception, though the people may reject them at first, yet ripen into strength insensibly. A few years since *The Tribune* commenced the advocacy of the principles of Free Lands for the Landless. The first bill presented upon that subject by Mr. Greeley to Congress was hooted out of that body. But who doubts what the result would be, if the people of the whole nation had the right to vote upon the question to-day?"

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[51] 1848. Greeley, *Recollections of a Busy Life*, 217.

[52] Rhodes, *Lectures on the American Civil War*, 20.

[53] *Weekly Tribune*, Sept. 20, 1845, Correspondence from Dubuque, Iowa Territory; *The People's Journal* (Coudersport, Pa.), quoted in *Semi-Weekly Tribune*, May 3, 1853; Herriott, *Iowa and Abraham Lincoln*, 39, 40.

[54] *St. Joseph Valley Register* (South Bend, Ind.), quoted in *Semi-Weekly Tribune*, May 31, 1853.

Although the espousal of so many radical principles by the *Tribune* and the fact that in general land reform was advocated by many of the "unreasonable and half-cracked," raised up many enemies, yet these very enemies admitted that Greeley wielded a powerful influence.[55] In one year—from April, 1853, to April, 1854—the circulation of the *Weekly* increased from 51,000 to 103,000,[56] and in 1860, according to Mr. Rhodes,[57] its readers were estimated at half a million.

Another fact which affected public sentiment regarding the disposition of the public lands was the infusion of a large number of Germans and later a considerable number of Scandinavians into American society. German papers, such as *Der Volks-Tribun* and *Sociale Republik*, both published in New York, show the self-consciousness and radicalism of the German immigrants. They complain of the conditions of the laborers in America, and lament the fact that, leaving their native land in order to be free of tyranny, they find that they must pay tribute to capital here, too. However, they point out that the situation can be remedied if steps are taken in time to reserve the public lands for actual settlers.[58] Of course, the very fact that foreigners, unacquainted with American conditions and speaking a strange tongue, should presume to dictate to native Americans what policy their government should pursue acted in many cases as a boomerang to the cause of land reform.[59]

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[55] Linn, *Horace Greeley*, 94; Parton, *Greeley*, 297, 298; *Mississippi Free Trader*, Sept. 1, 1847; *Keokuk* (Ia.) *Dispatch*, May 24, 1853.

[56] *Semi-Weekly Tribune*, April 11, 1854.

[57] *Lectures*, 20.

[58] *Der Volks-Tribun*, Feb. 28, 1846.

[59] The German influence will be discussed more fully in other connections. Many petitions circulated by the National Reformers were signed exclusively by Germans. *House Files*, 29th and 30th Congresses.

See Herriott in Trans Ill State
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CHAPTER VIII

THE BEGINNING OF NATIONAL HOMESTEAD LEGISLATION

VIEWED from one angle, the homestead agitation was well-timed in that it coincided with the rising tide of abolitionism and efforts to prevent the spread of slavery into the territories. Many men whose interest in a homestead law was wholly secondary became convinced that it was an effective set-off against Southern agression. On the other hand, the almost unbroken resistance of the Southern delegation in Congress succeeded in preventing the enactment of a law which was sure to reduce their influence. Technically it is impossible to posit a definite date which marks the beginning of homestead legislation, but after 1844 it becomes a continuous factor in American politics.

Influenced to some extent, it is said,[1] by Evans who, in 1828, had begun his agitation for the freedom of the public lands,[2] President Jackson, in his message of 1832,[3] recommended a change in our land policy and embodied arguments which later were quoted by the most rabid reformers. "Our true policy," said he "[is] that the public lands shall cease as soon as possible to be a source of revenue, and that they shall be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense. . . When we [consider] that it is . . . labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy after the payment of the public debt." Here the frontier President posits the fundamental argument of the pioneer. He approached the problem from a different angle from Evans whose interest in the West was secondary.

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[1] Wellington, *Influence of the Public Lands*, 42.

[2] *Documentary History*, V., 45, 46, 47.

[3] Dec. 4. Richardson, *Messages and Papers*, II., 601.

Jackson's message bore no immediate legislative fruit. The idea of surrendering all financial profit from the public domain was too radical. It took ten years (1841) before a majority of both houses of Congress could unite on a general pre-emption measure giving a preference to the actual settler over other purchasers without any considerable sacrifice of revenue. The following year, 1842, was enacted the Florida Occupation bill which made gratuitous donations of 160 acres of land in Florida to those who would settle and occupy the same for four successive years, on condition of erecting a cabin and cultivating and enclosing five acres.[4] While this law and the Oregon bill,[5] which was introduced in the Senate the following year, although not enacted into law until 1850, applied the "homestead" principle to limited regions of the public domain, they were not "homestead laws" in the strict sense. They were in effect bounty laws offering inducements to men to undertake long and hazardous journeys to regions where they could defend their country against the depredations of Indians and encroachments of foreign governments. There was, to be sure, a trace of this idea in the various homestead and pre-emption bills in that they offered inducements to go West, but this was not the primary consideration. In fact, the allegations from the opposition that the homestead bill was a bounty brought forth vigorous denials from its friends in the East as well as in the West.

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[4] Aug. 4, 1842. *Statutes at Large*, V., 502 seq. Five years' residence in the Territory was required. The bill passed the House July 18 and the Senate Aug. 1, 1842. *Cong. Globe*, 27 Cong., 2 Sess., 764-766, 819; Meigs, *Benton*, 176, 177.

[5] Senator Linn, of Missouri, introduced a bill granting 640 acres to every white male inhabitant above 18 years of age, 160 acres for his wife, and 160 acres for each child under 18, or who might be born within five years, in Oregon Territory, on condition of cultivation for five consecutive years. The bill passed the Senate Jan. 4, 1843. *Cong. Globe*, 27 Cong., 3 Sess., 112.

The extraordinary distinction of introducing the first resolution instructing the committee on public lands to inquire into the expediency of passing a law donating eighty acres of land to every actual settler, "being the head of a family, and living with the same, and not now the owner of land, and who, through misfortune or otherwise, is unable to purchase," belongs to Robert Smith, a representative from Illinois.[6] The resolution was introduced Jan. 4, 1844. Just one year later, lacking one day, the first petition was presented to Congress asking that it pass, "with all convenient haste, a law by which every citizen, who may be desirous of cultivating the earth for a living, shall be enabled to enter upon the public lands and occupy a reasonable sized farm thereon, free of cost."[7] A month later, Feb. 4, 1845, the first measure embodying the principle of a general homestead bill was proposed as an amendment to a graduation bill in the House by Thomasson, of Kentucky.[8] The amendment proposed to donate to every actual settler, "being the head of a family," forty acres. Oddly enough, the honor of possessing the title of the "father of the homestead bill" is disputed between two

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[6] *Cong. Globe*, 28 Cong., 1 Sess., 106.

[7] Jan. 3, 1845. *Ibid.*, 28 Cong., 2 Sess., 89.

[8] *Ibid.*, 241. Mr. Thomasson said he did not wish to receive such a revenue from the public lands as would furnish an excuse for breaking down the system of protection.

Southern men, Felix Grundy McConnell, of Alabama, and Andrew Johnson, of Tennessee.[9] During the first session of the twenty-ninth Congress these men introduced independent homestead bills. The right of priority belongs to McConnell who, on January 9, 1846, gave notice of his intention to ask leave to introduce a bill giving to every white man one hundred and sixty acres of ground "providing he would work it."[10] Three months later Johnson asked leave to introduce a bill to authorize every poor man in the United States who is at the head of a family to enter one hundred and sixty acres of public domain "without money and without price."[11] Mr. Johnson lived to see the enactment of such a bill into law after having expended his best efforts in its behalf during a long series of years, but McConnell within a few months died by his own hand. His connection with one of the most important legislative measures of the century constitutes the only claim of this handsome, energetic, witty, and attractive man to be remembered by the American people. Not until six years after its introduction did the homestead bill come to a formal vote in either house. In the meantime there were other land bills which claimed the consideration of our legislators.

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[9] Mr. Johnson claimed to be the originator of the measure in Congress. See his speech in the Senate, June 14, 1858. *Ibid.*, 35 Cong., 1 Sess., 3043 seq.

[10] *Ibid.*, 29 Cong., 1 Sess., 172.

[11] March 9, 1846. *Ibid.*, 472.

See Hibbards Ms.

CHAPTER IX

HOMESTEAD AND OTHER LAND MEASURES: BOUNTIES, GRANTS TO RAILWAYS, AND GRADUATION

WE have seen that in the thirties the public land question was complicated by three propositions more or less antagonistic: pre-emption and graduation, distribution, and cession. As our territory expanded and the interests of the country became more varied the land bills on the speaker's desk piled higher and higher. If the *Congressional Globe* contained nothing but the debates and proceedings on the public lands, it would occupy no small space on the shelves of libraries. From about the year 1845 there were, besides homestead, three general land measures before Congress, not to mention other projects of a more special nature.

Of these three general land measures—military land bounties, graduation, and railway land grants—the former was by far the most odious to the West and to the friends of homestead. Military bounties were no new thing, having been granted in colonial times and also to soldiers who had served in the Revolution, the War of 1812, and in campaigns against the Indians.[1] During and immediately after the War with Mexico Congress became exceedingly generous. Indeed, says Treat,[2] "a study of the bounty land legislation since 1850 leads one to believe either that Congress had become wonderfully appreciative of military service or else had become magnificently lavish in its grants of the public domain." In every Congress from 1847 until the close of the Civil War, but especially up to 1855, general bounty bills were up, and in that period four of them became laws—those of 1847,[3] 1850,[4] 1852,[5] and 1855.[6]

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[1] Ford, *Colonial Precedents*, 103 seq.; Treat, *National Land System*, Chapter X. Orfield's *Federal Land Grants to the States*, etc., may be consulted with profit on questions treated in this chapter.

[2] P. 258. On pages 261 and 262 there is a table showing the number of warrants issued and located to June 30, 1907. See also *Senate Reports (Miscellaneous)*, 61 Cong., 2 Sess., No. 206.

The policy of land bounties to soldiers appealed to two important elements of population: soldiers and speculators. The soldiers wielded a powerful influence over congressmen through the ballot box while the speculators employed the more effective method of stuffing their pocket books. The line-up on land measures cannot be understood without peeping into the coat-rooms, committee-rooms, and hotel lobbies and seeing the process of log-rolling. "Sir, the supporters of these [land] bills are from all sections and parties," said Representative Cumback, of Indiana.[7] . . . "There is not one of these bills that could get through this House were it not pulled by one that has already got through, and shoved by another that is behind it. One State votes for the grants for all the others, that all the others may vote for her grant; and by this sort of combination we have voted away millions of acres of the public lands." Not only was this insidious practice applied to land bills, but to other bills as well: tariff bills, appropriation bills, bankrupt bills, and whatnot. Some voted for certain measures as the lesser of evils. For example, congressmen from the old States supported military bounties as a counter proposition to homestead and grants to railways because the former would withdraw their population and increase immigration and the latter would aid in the further development of new sections. Of course, not all speeches in Congress can be taken at face value. It is undoubtedly true that many sincerely believed that a homestead law would play into the hands of speculators and would be abused more than a bounty law, but it does not require much imagination to picture a "friend of the common people and the gallant defenders of the flag" making a plea for a bounty law while a horde of speculators were waiting outside to stuff his pockets with warrants.

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[3] Feb. 11. *Statutes at Large*, IX., 123 seq.

[4] Sept. 28. *Ibid.*, IX., 520, 521.

[5] March 22. *Ibid.*, X., 314.

[6] May 3. *Ibid.*, X., 701.

[7] May 29, 1856. *Cong. Globe*, 34 Cong., 1 Sess., 1331.

There was more opposition to bounties in the West than in any other section of the country. Naturally the settlers suffered from the operations of land speculators who had purchased warrants for a song from soldiers who either had no inclination to go West or were unable to do so. Senator Jones of Iowa, declared, in 1856,[8] that his State had been "literally shingled over with land warrants given to the Wall Street and other speculators, and bounty land warrants in this country." The fact that bounties deprived the public land States of a percentage of the land fund under the existing laws, and diminished the value of school lands, caused much ill feeling.[9] The friends of railway land grants in the

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[8] April 16. *Cong. Globe*, 34 Cong., 1 Sess., 927. See also speeches of Pugh, of Ohio, April 16, 1856. *Ibid.*, 924-926; Sevier, of Arkansas, Jan. 5, 1848. *Ibid.*, 30 Cong., 1 Sess., 110; Vinton, of Ohio, Feb. 8, 1848. *Ibid.*, 314; Westcott, of Florida, Jan. 12, 1849. *Ibid.*, 30 Cong., 2 Sess., 231, 232; Durkee, of Wisconsin, June 24, 1850. *Ibid.*, 31 Cong., 1 Sess., 1275; Whitcomb, of Indiana, Aug. 29, 1850. *Ibid.*, 1706. Compare the speeches of Senator Brodhead, of Pennsylvania, April 16, 1856 (*Cong. Globe*, 34 Cong., 1 Sess., 925) and Dawson, of Georgia, Jan. 29, 1855 (*Ibid.*, 33 Cong., 2 Sess., 347) with the speeches of Western congressmen.

[9] Speeches of Senator Stuart, of Michigan, Jan. 29, 1855, and Harlan, of Iowa, Feb. 11, 1856. *Cong. Globe*, 33 Cong., 2 Sess., 347 seq., and *Ibid.*, 34 Cong., 1 Sess., Ap. 60, 61.

East and West, but especially in the West, were anxious to expedite their measures because they feared that the public lands on the lines of prospective railroads would be located by the holders of land warrants.[10] Had the land warrants not been assignable, the evil would not have been so great. If there had been provisions in the bills requiring the soldiers to settle on the lands in order to secure the benefit of the warrants, they would have been of little use to speculators and, indeed, to the soldiers themselves.[11] The fact that bounties reduced the income from the public lands led some low tariff men to oppose them because they would make a high tariff necessary.[12]

It would be entirely erroneous to assert that all the friends of homestead were hostile to military bounties, or that all the enemies of homestead were the friends of bounties;[13] but it is certainly true that as the lines between the enemies and friends of homestead grew taut, these same lines tended to separate the enemies and friends of military bounties. The act of 1847 granting bounties to soldiers in the Mexican War passed the House of Representatives by the overwhelming vote of 171 to 18,[14] and in the Senate, as amended, the bill received 33 votes in favor to 3 against on its third reading.[15] But the bill making land warrants assignable in 1852 met a most determined opposition from the homestead men.[16]

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[10] Speech of Jones, of Iowa, May 9, 1856. *Ibid.*, 34 Cong., 1 Sess., 1166, 1167.

[11] Speeches of Brown, of Mississippi, May 8, 1848. *Ibid.*, 30 Cong., 1 Sess., 732, 733; Mason, of Virginia, Aug. 29, 1850. *Ibid.*, 31 Cong., 1 Sess., 1707; Butler, of South Carolina. *Ibid.*, 1709.

[12] Speech of Collamer, of Vermont, May 8, 1848. *Ibid.*, 30 Cong., 1 Sess., 733-735.

[13] This is evident from the speeches in Congress on various occasions. See especially Resolutions of Legislatures of Louisiana, Mississippi, Michigan, and California, in 1850, in favor of bounties. *Senate Miscellaneous Documents*, 31 Cong., 1 Sess., No. 85, 92, 93, 124. See also debate in House of Representatives, May 3, 1848. *Cong. Globe*, 30 Cong., 1 Sess., 717-722.

[14] *Jan. 27.* *Ibid.*, 29 Cong., 2 Sess., 272.

The contest between the people who favored land grants to railways and those who were attached to the homestead measure was not so clean-cut. Both propositions had much in common and for that reason had friends and opponents in common.[17] In theory, there was considerable difference. Homestead was an out and out donation of the lands, while a grant of lands to railways was supposed to reimburse the government by enabling it to secure a higher price for the sections retained because of their situation in proximity to a railway.[18] But the latter argument was not tenable to many. It was objected that by charging $2.50 for lands formerly $1.25 per acre the people were taxed for the benefit of the railways. To put it in the words of an opponent, agriculture was taxed for the benefit of capitalists who "toil not, neither do they spin."[19] To those pioneers who considered that $1.25 per acre was too high the idea of paying double that amount to corporations "who have neither bodies to die or souls to damn" was exceedingly unpalatable.[20] The great majority of the pioneers,[21] the Free Soilers,[22] the "National Reformers,"[23] using that term in its most inclusive sense, and a considerable number of friends and enemies of homestead in all sections of the country[24] saw the danger in a policy which would build up a great landed interest whose great influence would be used in antagonism to the common welfare and in debauching their legislative bodies. While it is true that many Western settlers believed in stimulating railway construction because it would give increased market facilities and enhance the value of their land,[25] those who took issue with them insisted that the railway companies owning huge tracts of land would oppose a homestead law. The better way was to build up the West by granting lands to settlers and the railways would follow as a matter of course.[26] Horace Greeley,[27] National Reformer and friend of the West, and Gerritt Smith,[28] Free Soiler and philanthropist, could see no need of "hiring or bribing" capitalists to construct railways which would pay dividends of ten to twenty per cent. If the principle of free lands were established, they believed that ample capital would be released from land speculation to construct any number of railways. "Booming" Western towns, in their intense rivalry for connection with Eastern railroads, kept their congressmen on the alert for railway land grants.[29] Stephen A. Douglas, a thoroughly Western man, was the author of both homestead[30] and land grant bills.[31] It is evident that the attitude of Western men toward land grants was by no means uniform; it depended upon where they happened to be located or upon their financial condition. If they had bank accounts, they were as anxious as any Eastern speculator to invest in land along the line of a projected railroad in order to "get the raise." But quite frequently when they found that they had been outwitted by a "promoter" or by the chicanery of the railroad company they became just as hostile toward land grants and railroads as the grangers of the seventies.

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[15] Jan. 20. *Cong. Globe*, 32 Cong., 2 Sess., 325.

[16] Feb. 26 and 27. *Ibid.*, 32 Cong., 1 Sess., 639, 640, 649. Cf. speech of Andrew Johnson, Jan. 23, 1851. *Ibid.*, 31 Cong., 1 Sess., 312, 313; *N. Y. Weekly Tribune*, Jan. 11, 1851; Julian, *Political Recollections*, 98; Julian's speech, Jan. 29, 1851. Julian, *Speeches*, 50 seq.

[17] Haney's *Congressional History of Railways to 1850*, pp. 273-276, denies that the land grant and homestead policies were in conflict. The movements for land donations and free land to settlers, he says, went hand in hand. Both grew with the growth of the West. He found "no evidence of any great or effective opposition." Sanborn's *Congressional Grants of Land in Aid of Railways* takes the opposite view (pp. 46-49). If by "effective opposition" Mr. Haney means effective in preventing the enactment of land grant laws, he is correct, but the fact that he has limited his investigation to the "Congressional history" of land grants has caused him to make this misleading statement. The newspapers and other sources show unmistakably that there was "great" and also "effective" opposition to land grants to railways on the part of the homestead advocates led by men like Greeley, Evans, and Julian. It must be remembered that votes in Congress are often misleading because of log-rolling, and land grant and homestead bills offered splendid opportunities.

[18] Speech of Cobb, of Alabama, April 22, 1852. *Cong. Globe*, 32 Cong., 1 Sess., 1740-1748.

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[19] Speech of Jones, of Tennessee, May 28, 1856. *Ibid.*, 34 Cong., 1 Sess., 1289.

[20] Speech of Cumback, of Indiana, May 28, 1856. *Ibid.*, 1330, 1331.

[21] Lane, of Indiana, March 8, 1854. *Ibid.*, 33 Cong., 1 Sess., 575, 576; *Iowa State Gazette*, March 22, 1854.

[22] Julian, of Indiana, Sept. 20, 1850, and Jan. 29, 1851. Julian, *Recollections*, 99; *Cong. Globe*, 31 Cong., 2 Sess., Ap. 135; Gerritt Smith, of New York, March 7, 1854. *Ibid.*, 33 Cong., 1 Sess., 591.

[23] *Working Man's Advocate*, March 1, 1845; Resolutions adopted by the Ninth Industrial Congress at Baltimore, June 6, 1854. *Daily True American* (Trenton, N. J.), June 9, 1845; *New York Weekly Tribune*, March 20 and July 31, 1852, and Jan. 8, 1853.

[24] Cleveland, of Connecticut, April 1, 1852. *Cong. Globe*, 32 Cong., 1 Sess., Ap. 374; Bell, of Tennessee, April 17, 1858. *Ibid.*, 35 Cong., 1 Sess., 1646, 1647.

[25] *Iowa Republican* (Iowa City), Feb. 4, 1854; speech of Hall, of Missouri, April 20, 1852. *Cong. Globe*, 32 Cong., 1 Sess., Ap. 429.

The situation in the East and the South was somewhat similar to that in the West. The element which feared the competition of the West and saw the danger in the great influx of foreigners who would find it comparatively easy to find homes on cheap lands opposed government aid to railways as strongly as homestead.[22] Eastern capital invested in railways and manufacturing was naturally interested in the development of the West and in laws which would stimulate Western prosperity.[23] Capital invested in railroad lands, however, usually opposed a homestead law because it feared that free land would lower the price of their lands. Daniel Webster, who was by no means a persecutor of the capitalist, represents one type of Easterner who found nothing in the land grant policy inconsistent with homestead.[24]

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[26] Dunham, of Indiana, April 6, 1852. *Ibid.*, Ap. 408. Feb. 20, 1847, Senator Dix presented a petition from citizens of New York praying that no proposition appropriating public land for the construction of a railway to the Pacific may receive the sanction of Congress. Dix explained that this petition, which was thirty feet in length, prayed that the public lands should be free for settlement by any citizen who would occupy and cultivate them. *Cong. Globe*, 29 Cong., 2 Sess., 462.

[27] *N. Y. Weekly Tribune*, March 20 and July 31, 1852.

[28] *Cong. Globe*, 33 Cong., 1 Sess., 967.

[29] *Minnesota Pioneer*, Jan. 29, 1852.

[30] Dec. 24, 1849. *Cong. Globe*, 31 Cong., 1 Sess., 75.

[31] April 29, 1850. *Ibid.*, 844 seq.

So far as the attitude of the South toward the homestead measure is concerned, it mattered little what it thought about railway grants, because it was almost a unit against homestead.[25] Some professed to see a difference between them in that homestead granted lands without any equivalent, while granting lands to railways enhanced the value of lands in the vicinity of the roads.[26] Curiously enough, Andrew Johnson, a strict constructionist, was opposed to the Pacific Railroad bill because he deemed it unconstitutional and unwise, while Jefferson Davis was a warm supporter of it, giving as one of his reasons that it would strengthen the bonds of union.[87]

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[22] Perkins, of New York, Jan. 17, 1855. *Ibid.*, 33 Cong., 2 Sess., 290; Dawson, of Georgia, Jan. 22, 1855. *Ibid.*, 347.

[23] Wilson, of Massachusetts, May 9, 1856. *Ibid.*, 34 Cong., 1 Sess., 1170, 1171.

[24] Letter of Webster to David A. Neale read at a dinner given by the managers of the Illinois Central Railway to the Illinois delegation in Congress. Letter dated March 12, 1852. Printed in *Memphis Daily Eagle and Enquirer*, April 1, 1852.

[25] After 1850, roughly speaking.

[26] Speech of Freeman, of Mississippi, Aug. 13, 1852. *Cong. Globe*, 32 Cong., 1 Sess., Ap. [illegible]; speech of Morse, of Louisiana, July 22, 1850. *Ibid.*, 31 Cong., 1 Sess., 1461.

On the Pacific Railway the line-up was almost wholly different from that on the policy of land grants in general.[88] Here the South was practically a unit in opposition, not because Southern members of Congress cherished constitutional scruples or doubted the expediency of the policy of government aid to railways, but because the matter resolved itself into a question of routes. Whether grants of land were to be made to a Southern Pacific or a Central Pacific road was the bone of contention.

That the system of land grants to railways was a serious obstacle to the enactment of a homestead law there can be no doubt. If the question be asked why, in the face of an overwhelming sentiment in the West and strong pressure in the East in its favor, a homestead law was not placed on the statutes until 1862, the answer must be that the force was neutralized by the opposition of those who wanted land warrants and grants to railways working in combination with the Southern slaveocracy.[89]

The most treacherous enemy of the homestead measure was the so-called graduation bill. A properly guarded graduation law in some respects would have been beneficial to the West, but most of the bills and the law as finally enacted in 1854 included many objectional elements. The fact that the scheme claimed the authorship of Senator Benton commended itself to many in the West. Under the pre-emption law settlers chose the most fertile and best situated lands. This was detrimental to both the West and the federal government because the public lands were "culled" and as a result much land remained unsold. For this reason every public land State had a large area of untaxable and unimproved land and the government was forced to maintain land offices which were a source of expense without yielding an adequate return. By a systematic graduation of the public lands Benton believed that the practice of settlers from the seaboard States to pass through the older public land States and the tendency of the inhabitants of the latter States to leave for newer portions of the West would be overcome. He introduced his first bill in May, 1826. This proposed to reduce gradually the prices according to the number of years lands remained unsold until the price of twenty-five cents per acre was reached after which they were to be given away in lots of eighty acres.[40] Benton kept the bill before Congress year after year, supporting it with the same vigor that he did his pre-emption bill. In 1840 it passed the Senate with but eight votes in the negative,[41] but the House refused to take it up. The intense struggle over distribution in the years immediately following and the enactment of the preemption law pushed graduation aside until 1844. From this time it became increasingly important until its enactment into law ten years later.

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[87] Speech of Johnson on Pacific Railway bill in the Senate and Davis's rejoinder, Jan. 25, 1859. *Cong. Globe*, 35 Cong., 2 Sess., 579 seq.

[88] See vote in the Senate to postpone the Pacific Railway bill, April 17, 1858. *Ibid.*, 35 Cong., 1 Sess., 1647.

[89] See table showing land grants to individuals and to states and corporations for internal improvements in Hart's *Practical Essays on American Government*, 255-257, and Orfield's *Federal Land Grants*, etc.

The avowed purpose of the graduation law varied according to the section of the country from which its adherents hailed. The South down to about 1850[42] and especially the Southwest was generally favorable to it; certainly it was far more acceptable to that region than a homestead law.[43]

[40] Meigs, *Benton*, 165, 166.

[41] April 24, 1840. *Cong. Globe*, 26 Cong., 1 Sess., 354.

[42] See below.

[43] Resolution of Legislature of Mississippi, Jan. 28, 1846. *Senate Documents*, 29 Cong., 1 Sess., Doc. No. 120; Resolution of Leg. of

Naturally there was keen competition between the Southwest and the Northwest for settlers and, besides, the "culling" process, due to the wasteful plantation system, was practiced on a much larger scale than in the Northwest where the quality of the land was more uniform and smaller farms were the rule.[44] The owners of large plantations were anxious to purchase at low prices the less productive cotton lands when the old lands were "wearing out." President Polk,[45] a representative of the Southern upland stock, Robert J. Walker,[46] and W. R. W. Cobb,[47] spokesmen for the "Cotton Kingdom," were all in favor of graduation.

Unlike the newer portions of the "Cotton Kingdom," the amount of government land in the East was negligible and in this section the sentiment was generally hostile to graduation.[48] The land reformers, as represented by Greeley, were

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Arkansas, Nov. 25, 1846. *Ibid.*, 29 Cong., 2 Sess., Doc. No. 29; Res. of Leg. of Alabama. *Cong. Globe*, 29 Cong., 1 Sess., 467; Res. of Leg. of Missouri, Jan. 7, 1846. *Sen. Doc.*, 29 Cong., 2 Sess., Doc. No. 95; *The Mississippian*, Dec. 27, 1843; *Louisiana Courier*, Aug. 15, 1854; *The True Democrat* (Little Rock, Ark.), Aug. 30, 1854; Calhoun's speech, June 29, 1846. *Cong. Globe*, 29 Cong., 1 Sess., 1040; also 1057, 1058.

[44] Speech of Chapman, of Alabama, Jan. 2, 1845. *Cong. Globe*, 28 Cong., 2 Sess., 83.

[45] Annual messages, 1845 and 1846. Richardson, *Messages and Papers*, IV., 408, 409, 497, 503.

[46] *Reports of the Secretary of the Treasury* (Dec. 3, 1845), V., 16, 17; also VI., 15, 121, 124, 125.

[47] Cobb was a representative in Congress from Alabama, a state which had considerable unsold land.

[48] The votes and speeches in Congress do not entirely bear out this statement, but it must not be forgotten that many Eastern congressmen voted for graduation through log-rolling and because some thought it preferable to homestead. Outside of the land speculators and some who believed that graduation would be a good thing for the West (Hamlin, of Maine. *Cong. Globe*, 29 Cong., 1 Sess., 1072), it is safe to say that the incentive to migration which cheap lands would give turned the East away from it. *Ibid.*, 28 Cong., 2 Sess., 69 seq.

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most emphatically against graduation.[49] They made no complaint that the minimum price of $1.25 per acre was too high: if lands were to be sold, they favored a higher minimum. According to Greeley, the graduation process offered a direct bounty to thriftlessness and improvidence. An industrious man, he maintained, would settle on a piece of land, improve it, and secure title as soon as possible, while the dishonest or shiftless would manage to exist and when the next lower scale of prices went into effect he would make entry. Payments would be delayed to the eleventh hour. Besides this evil, Greeley declared the law would be a great boon to the speculator. An "actual settler" might buy a portion of land, and obtain a deed for it, and there was nothing to hinder him from selling it at an advance of from five to twenty-five dollars to a speculator. The result, he concluded, would be an enormous aggregation of land in a few hands at low prices.[50]

Graduation did not appeal to the pioneer West; at least the law as enacted did not. Certainly it could not take the place of homestead. If the pioneer who endured a frontier life had to pay $1.25 per acre for his land, he saw no reason why those who came later and reaped the benefit of his improvements and found the comforts of civilization could not afford to pay the same price for a second choice.[51] It was to the earliest settler that the price should be reduced. Furthermore, in his opinion it was to the interest of the country that labor should be bestowed on the best and most

[49] *Weekly Tribune*, July 25, 1846; Jan. 24, 1852; Jan. 1, 1853; *Der Volks-Tribun*, July 25, 1846.

[50] *Weekly Tribune*, Dec. 25, 1847.

[51] "An old Pioneer" to editor. Greenville, Ills. August, 1854. *Daily Missouri Republican*, Aug. 29, 1854. See also letter of John Wilson, Commissioner of General Land Office, to Rep. Disney, of Ohio, March 29, 1854. *Cong. Globe*, 33 Cong., 1 Sess., 906.

productive lands, and if a homestead law were in operation, all the lands would be reserved free of charge to the actual settler who would cultivate them when he found it profitable to do so.[52]

The "old" Western States—Ohio, Indiana, and Illinois, for example—held a different view. Here, as we have intimated, there were extensive tracts of "culled out" and untaxed lands, corresponding in a rough way to the abandoned farms in the East at the present time. A system of graduation, it was thought, would do away with this problem by establishing a just distinction between the various qualities of land.[53] These considerations, of course, appealed to a certain class of pioneers as well, just as some of them favored land warrants because with a little capital they could buy land for speculation. As a matter of fact, the graduation law of 1854 passed largely by the aid of Western votes.

There was much to be said in opposition to graduation from many points of view.[54] From the fact that public lands remained unsold for several years it did not necessarily follow that they were of poor quality; their value depended upon demand and supply. So long as the government continued to open new lands the public domain was bound to be "culled." It was not proposed to limit graduation to poor land but all land unsold after a term of years was included. This would reduce the price of both good and bad land. A scale of price on the basis of time was not fine enough. It is also questionable whether graduation was of much advantage to the poor man. He could hardly afford to cultivate poor land while his rich neighbor undersold him by raising his produce on better land. He would do better by investing his savings on a small tract of good land at a higher price. It was also feared that graduation would do injustice to land-holders by reducing the value of all real estate. Boiling down the arguments against graduation into one, the length of time lands had been in the market was no criterion of their value. In Illinois, to take a specific instance, prairie lands remained practically untouched until about 1845 and it was only after the wooded tracts had been occupied that the prairie was broken. As the population increased what were regarded as refuse lands became productive and valuable.

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[52] See speech of Vinton, of Ohio, Dec. 11, 1844. *Cong. Globe*, 28 Cong., 2 Sess., 23.

[53] Resolution of the Legislature of Indiana, 1846. *Senate Documents*, 29 Cong., 1 Sess., No. 188; Resolution of the Legislature of Illinois, 1847. *Cong. Globe*, 29 Cong., 2 Sess., 334; Resolution of the Legislature of Ohio, 1850. *Senate Miscellaneous Documents*, 31 Cong., 1 Sess., No. 77; speeches of Sample and Davis, of Indiana, Dec. 11, 1844. *Cong. Globe*, 28 Cong., 2 Sess., 29; Smith, of Illinois, Dec. 27, 1844. *Ibid.*, 69 seq.

[54] In this paragraph I am following quite closely the report of the committee on public lands in the House of Representatives in 1848, the chairman of which was Jacob Collamer, of Vermont. This document is well worth reading. *U. S. House Reports*, 30 Cong., 1 Sess., No. 732. See also Collamer's speech, Dec. 11, 1844. *Cong. Globe*, 28 Cong., 2 Sess., 21; *N. Y. Weekly Tribune*, Dec. 13, 1845.

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CHAPTER X

THE POLITICAL AND LEGISLATIVE HISTORY OF HOMESTEAD, 1844-1852

THE decade of the forties has been called the "hot air" period of American history. Accepting this characterization with a grain of salt, it is true that it was a time of agitation and upheaval. The atmosphere was charged with "isms"; population was fluid; immigration was increasing; the slavery agitation was raising its ugly head; class feeling was growing; Western society was forming. The homestead movement was gaining momentum, but up to the year 1850 it had few friends in Congress; it had not yet been accorded the honor of a rejection by a yea and nay vote in either house. Except in the West and among certain classes in other sections, the more influential people and the majority of newspapers placed it in the category of those newfangled notions which find favor in the minds of those who are on the fringe of lunacy.[1] There were, however, men of vision who could find comfort in Plutarch's observation that "there is no beginning so mean, which continued application will not make considerable and that despising a danger at first, will make it at last irresistible." They could not foresee the overwhelming election of Franklin Pierce in 1852, resulting in the domination of the national government by the "Cotton Kingdom" for the next eight years and the speedy death of the Whig party; neither was it possible to predict the intense sectionalism which followed these readjustments, solidifying sentiment in the North and West in favor of a homestead law as a buffer against Southern encroachments.

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[1] *N. Y. Weekly Tribune*, Dec. 29, 1849.

The year 1852 is a convenient subdivision in the study of the public lands. The fact that the homestead bill came to a vote for the first time in the House of Representatives is in itself of sufficient importance to give it a mark of distinction; but it also marked the beginning of an extensive agitation for land grants to railways.[2] A large number of homestead petitions had poured into Washington but, as usual, bills which had no effective lobbyist stood little chance in competition with those that had. In 1851, Andrew Johnson [3] made a speech in Congress in which he said that since the beginning of the thirty-first Congress [4] sixty-five bills had been introduced to divide the public lands amongst canals, corporations, lunatic asylums, etc. Very little had been said about the homestead measure since it was first introduced, he continued, but it had been making its way steadily in the public mind, and from the vast number of letters he had received on the subject, he was satisfied that the country was laying hold on it.

In order to understand what happened in Congress in 1852, we must take a survey of the course of events which led up to this year, for, as Professor Turner writes,[5] "we cannot understand the land question without seeing its relations to the struggle of sections and classes bidding against each other and finding in the public domain a most important

[2] Haney, *Congressional History of Railways to 1850*, 237 seq.; Sanborn, *Railroad Land Grants*, 266 seq.

[3] Jan. 23. *Cong. Globe*, 31 Cong., 2 Sess., 312, 313.

[4] Dec., 1849.

[5] "Social Forces in American History." *American Historical Review*, XVI., 229.

topic of political bargaining."

It will be recalled that Evans established *The Working Man's Advocate* in March, 1844. Immediately he began a campaign through its columns to obtain the sentiment of candidates for political offices on the freedom of the public lands. A pledge not to vote for any man who would not pledge himself to prevent the further traffic in the public lands and in favor of their freedom to settlers was printed and circulated.[6] In the presidential campaign Polk, whose Jacksonian policies appealed to laboring men, was endorsed in opposition to Clay whose opposition to pre-emption and whose distribution policy were well known.[7] A workingmen's ticket, including candidates for Congress, was named.[8] It is probable that Clay suffered from the opposition of the Land Reformers; he admitted, it will be recalled, that the foreign vote went against him.

If the land reformers expected any substantial aid from the new administration, they were disappointed; the homestead bills introduced in 1846 by McConnell and Andrew Johnson were not well received in that they made no provision for future landless men by prohibiting land-holders from disposing of their homestead to other land-owners and for the reservation of all lands for actual settlers.[9] In spite of this, there was no let-up in the activity of the reformers. The disturbances connected with the anti-rent movement stirred up much dissatisfaction with the old parties and gave their cause greater impetus.[10] In 1847 the *New York Tribune*[11] estimated that not less than fifty periodicals earnestly advocated it and several had been established expressly for that purpose. The National Industrial Congress which met in June adopted resolutions requesting the Liberty party convention to nominate a candidate for the presidency and declaring that the constituency of their body could support no candidate who would not pledge himself in writing to the measures of the National Reformers. If both old parties neglected to nominate candidates in favor of these measures, stated the resolutions, and if the Liberty party should nominate such candidates, the Congress would likely nominate candidates "so introduced to their notice, by a political organization having the cause of human rights at heart."[12] The convention which met at Macedon Lock, New York, the same month was not, strictly speaking, a Liberty party convention;[13] and, although nothing was said directly about land reform, the nomination of Gerritt Smith for the presidency was popular among the land reformers. In the National Reform convention, held at Boston in October of that year, the old parties were declared to be in the control of men possessed of wealth or high station and Gerritt Smith was commended as a man worthy of the office of president.[14]

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[6] *Working Man's Advocate*, May 18, 1844.

[7] *Ibid.*, May 11, June 15 and Nov. 9, 1844.

[8] *Ibid.*, Sept. 21 and Oct. 5, 1844.

[9] *N. Y. Weekly Tribune*, March 21, 1846.

[10] Hammond, *Silas Wright*, 674-676, 685.

[11] Quoted in *The Harbinger*, Oct. 9, 1847.

In 1848 things appeared to break well for the land reformers. The friction in the old parties caused by the heated slavery agitation made the outlook for a third party bright. There was a common interest on the part of those who opposed the extension of slavery and those who wanted the land parceled out into small farms worked by their owners. "Free soil and free farms" was a slogan to conjure with. On the thirteenth of June the Industrial Congress which met at Philadelphia unanimously rejected both Cass and Taylor and endorsed Gerritt Smith, of New York, the nominee of the Liberty League, for the presidency and named William S. Wait, of Illinois, for the vice-presidency. The platform named three cardinal principles: (1) freedom of the public lands to actual settlers; (2) land limitation in the States; and (3) homestead exemption from legal confiscation for debt.[15] The Free Soilers met at Buffalo the following month and adopted a platform which included a plank resolving "That the free grant to actual settlers, in consideration of the expenses they incur in making settlements in the wilderness, which are usually fully equal to their actual cost, and of the public benefits resulting therefrom, of reasonable portions of the public lands, under suitable limitations, is a just and wise measure of public policy, which will promote in various ways the interests of all the States of this Union; and we therefore recommend it to the favorable consideration of the American people."[16] Of course, this plank was "straddle"; it is only an example of what has happened in so many of our political conventions: that is, to keep within the fold the various wings of the party. This platform was mainly the work of Salmon P. Chase, assisted by Charles Francis Adams and Benjamin F. Butler.[17] On such an important issue as the public lands the plank could not be specific in a party made up of "Barnburners," who were disgruntled followers of Van Buren, the "Conscience" Whigs, the Liberty party, Land Reformers, and many admirers of Clay.[18]

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[12] *Voice of Industry*, June 26, 1847.

[13] *Albany Patriot*, quoted in *Ibid.*, July 9, 1847.

[14] *Ibid.*, Nov. 5, 1847.

The Land Reformers refused to accept the land resolution. The Business Committee of the Rochester (N. Y.) National

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[15] *N. Y. Weekly Tribune*, June 17 and July 1, 1848.

[16] Greeley and Cleveland, *Political Text-Book*, 17, 18.

[17] Julian, *Recollections*, 57, 58.

[18] Julian, *Giddings*, 253.

Reformers addressed a letter to the Free Soil candidate, Van Buren, in which they protested that the Buffalo land plank was not clear and decided enough. It neither acknowledged the natural right to the soil nor prohibited the sale to monopolists and speculators.[19] Another enthusiastic land reformer wrote to Van Buren as follows:[20] "What the effect would be, Sir, of an exposition from you—especially, relative to this *vital interest* to our fellow man, if at this juncture, were published to the world, *over your own high name*—the *toiling millions* would tell in tones of thunder, in November next. Free Soil to the Free occupant—what a war cry for Freemen;—'Free Lands for Free Hands.'"

Van Buren's utterances of the subject were rather ambiguous. He said he had always favored reserving the public lands for actual settlers. He differed from the convention, he said, in that the latter proposed free grants, while he favored grants at prices little if anything more than sufficient to pay the expenses of survey and location. But, he added, the question of revenue was only important because it offered a prospect of securing regularity and greater stability of settlement. If a plan could be devised by which these objects would be as well effected, he would favor that.[21]

Van Buren's failure to come out with a direct indorsement of the National Reformers' public land policy cost him the support of many.[22] Where the Land Reformers and the Free Soilers *per se* split was on the relative importance of free homesteads. Evans and his followers considered universal emancipation secondary to free lands,[23] while throughout William Lloyd Garrison refused to support the cause of the National Reformers.[24] In spite of the fact that *The Working Man's Advocate* and *Young America* supported Gerritt Smith, many, including National Reformers, supported Van Buren.[25] Perhaps some did not understand the difference in the platforms.

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[19] Fowler et al. to Van Buren, Aug. 22, 1848. *Van Buren Papers,* Mss. Vol. 49.

[20] T. B. Reily to Van Buren, Washington, D. C. Aug. 21, 1848. *Van Buren Papers,* Mss. Vol. 56.

[21] Letter of acceptance to the Committee of the Buffalo Convention, Aug. 22, 1848. *New York Weekly Tribune,* Sept. 2, 1848; see also memoranda in *Van Buren Papers,* Mss. (August) 1848. Vol. 56.

[22] *Young America,* Sept. 23, 1848.

Van Buren and his advisers missed a great opportunity of drawing in a large Western vote by not featuring the homestead issue. In spite of the fact that Cass had no homestead plank in his platform, he carried every Northwestern State[26] because the pioneers preferred him as a Western man, in sympathy and action, to Van Buren whose promises to the West were couched in ambiguous phrases. DeWitt C. Lawrence,[27] of Grand Rapids, Michigan, Free Soil nominee for Congress, wrote to Van Buren:[28] "Your name here in connection with the spirit of free soil which is pervading the entire West is a tower of strength, and I am satisfied that but one step further upon the platform which if fairly brought before the people would give you the electoral vote of this together with the entire Western free States.—I refer to the measure of the *free distribution of the Public Lands to actual settlers.*—With your letter in my hand as a friend of that measure I . . . could 'stump' the Valley of the Grand River and carry force enough to secure the State. A very large proportion of emigrants to this state from Ireland are located in the Grand River Valley, and in this region already with this policy, which we have here adopted there is scarce an Irishman but throws up his hat for Van Buren. Extraordinary exertions are being made by Cass himself to secure this state by a large majority, and without having consulted you on this measure we have taken the liberty of using your name nolens volens in connection with the policy —we took this liberty because we believed the measure Democratic, and because we knew you to be a Democrat."[29]

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[23] *Young America*, Sept. 23, 1848.

[24] *The Voice of Industry*, May 7, 1847. See extract from *The Liberator*, for March 19, 1847, in *Documentary History*, VII., 231, 232.

[25] *Young America*, Sept. 23, 1848.

[26] Smith, *Liberty and Free Soil Parties*, 144 seq.

[27] Later withdrew in favor of the Whig candidate. *Ibid.*, 158.

[28] Lawrence to Van Buren, Aug. 14, 1848. *Van Buren Papers*, Mss. Vol. 55.

The fact must not be overlooked, however, that if Van Buren had espoused the radical land policy, he might have lost the support of as many, and more, conservatives as he might have gained radicals. But the significant fact, after all, is the evidence of a very considerable feeling in favor of land reform in the West and East. As an indication of this it may be pointed out that three papers, the *New York Tribune*, the *New York Globe*, and the *Philadelphia Daily Sun*, supported the principle of the freedom of the public lands and Taylor, Van Buren, and Cass, respectively.[30] The Whigs, hoping to counteract his strength in the West, and taking advantage of the popularity of land reform, portrayed Cass as a land speculator hostile to settlers.[31]

[29] Cf. letter of D. S. Curtiss to Evans from Chicago, Ills. Sept. 11, 1848. *Young America*, Sept. 23, 1848. Doctrines of free lands to actual settlers are rapidly spreading in the West. So far as they go the Barnburners are doing something to extend the movement. There is much in the platform of the Barnburners that is good, but the plank on Land Reform is not satisfactory. Van Buren had a glorious opportunity in his reply to the nomination, but he faltered—he truckled—he equivocated. The Buffalo convention was too much of a compromise. It is inconsistent for a Land Reformer or Abolitionist to join the Van Buren party. This is the substance of the letter.

[30] *Young America*, Sept. 23, 1848.

[31] *North Carolina Standard*, Oct. 18, 1848; *N. Y. Weekly Tribune*, Aug. 5, 1848.

It is unfortunate that the forces in favor of land reform were divided in the campaign of 1848; had they presented a solid front, their cause would have attracted the attention of the country and their petitions given a more respectful hearing in Congress. As it was, the homestead bills introduced by Greeley [32] and Andrew Johnson [33] in the Congress immediately following the election received short-shrift. When Greeley asked the yeas and nays on the motion to reject his bill only about twenty members rose to second the call and the bill was laid on the table by a *viva voce* vote.[34] Greeley's bill conformed more closely to the National Reform ideal than any previous ones.[35] It provided that every citizen, or applicant for citizenship, might settle upon any quarter section of the public lands subject to private entry at the minimum price and receive a certificate of the right of pre-emption to it. At any time within seven years, upon giving due proof that he had improved and cultivated the land, had built a dwelling and resided on it, and that he was the owner of no other land, he should be entitled to a right of unlimited occupancy of forty acres of said tract, if unmarried, and eighty acres, if married, free of cost. The balance of the quarter might be purchased by the occupant at any time within seven years at $1.25 per acre, with legal interest from date of pre-emption. Any man might purchase at the minimum price any quantity of public lands, by making affidavit that he required it for his own use and improvement, but if he failed to make such affidavit, he must pay the minimum price of five dollars per acre.

For the next three years the public land situation was very complicated. Amidst a whirlwind of politics, log-rolling, and hostile public land committees the homestead bill had little chance. "The truth about it is," said Representative Dawson, of Georgia, in 1851,[36] "that the public lands are made a mere battle-door for political purposes; and any man who has any aspiration to the highest office in the gift of the people of this country makes it his business to form his platform upon the public lands, and the rights and interests of the States are made subservient to the personal aspirations of individuals."

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[32] Dec. 5, 1848. *Cong. Globe*, 30 Cong., 2 Sess., 13.

[33] Dec. 11. *Ibid.*, 22.

[34] Feb. 27, 1849. *Ibid.*, 604.

[35] The substance of the bill is given in *Ibid.*

The year 1850 was the most important in the history of the public lands since 1841. Congress was in session until the last day of September but its time was so taken up by the Compromise of 1850, the Oregon bill, the Illinois Central Railway land grant bill,[37] land bounties,[38] distribution,[39] graduation,[40] and cession[41] that homestead was shoved aside. The attitude of the committees on public lands had much to do with the scant consideration it received.[42] It is more than passing strange that the Senate committee on public lands, which was made up of four men from the West and Southwest with but one from the East,[43] should have returned a report which absolutely condemned homestead.[44] In fact, they delayed the report as long as they could.[45] The document, which was read by Mr. Felch, begins with a discussion of the revenue, declaring that if lands are given away the loss in revenue to the government will have to be made up by taxation, involving a change of payment of an annual sum of several millions from one class of citizens to another. The public lands had been a source of expense to the government, and, therefore, it would be taxing people who received no benefit if the price should be abolished. A homestead law would reduce the price of public lands in the new States and real estate in all States. No one would invest in land when it was free. It was idle to suppose, declared these senators, that the merchant, mechanic, manufacturer, or tradesman would relinquish his accustomed business to receive a gift of 160 acres in the wilderness to live by the

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[36] Feb. 27. *Ibid.*, 31 Cong., 2 Sess., 763; see also *N. Y. Weekly Tribune*, Feb. 1, 1851.

[37] Sanborn, *Land Grants*, 30 seq.; Haney, *Congressional History to 1850*, 283 seq.

[38] See above.

[39] April 30, 1850. *Cong. Globe*, 31 Cong., 1 Sess., 870, 871. Dayton, of New Jersey, in the Senate offered as an amendment to the Illinois Central bill a bill providing for the distribution of the proceeds of the sales of public lands according to the act of Sept. 4, 1841. He said that since liberality was offered to new states, there was no reason why the same spirit should not be shown to the old states.

[40] *Ibid.*, 78, 90, 91, 92.

[41] Dec. 31, 1849. *Ibid.*, 92. Walker, of Wisconsin, gave notice of a bill to cede the public lands to the states in which they lie upon condition that they be sold by said states to actual occupants only, in limited quantities, for cost of transfer merely.

[42] Homestead bills were introduced in the House by Young, of Illinois, Andrew Johnson and Moore, of Tennessee, and in the Senate by Stephen A. Douglas and Samuel Houston. *Cong. Globe*, 31 Cong., 1

Sess., 87, 262, 279, 406, 463, 464, 448, 1122, 1449, 1450. Daniel Webster introduced a resolution which attracted much attention. It was a homestead resolution and conformed quite closely to the National Reform ideal. *Senate Miscell. Doc.*, 31 Cong., 1 Sess., No. 32. See also *Cong. Globe*, 31 Cong., 1 Sess., 616. It may be of some interest to note that in this session the term "homestead" was used for the first time. July 25, 1850. *Ibid.*, 1449.

[43] *Ibid.*, 45. Borland (Ark., Dem.); Corwin (Ohio, Whig); Shields (Ills., Dem.); Smith (Conn., Whig); and Felch (Mich., Dem.).

[44] Andrew Johnson, no doubt for the reason that the House committee was hostile to homestead, tried to have his bill referred to the committee on agriculture, but was refused. Later he changed the title of the bill by calling it a bill to "encourage agriculture" and then succeeded in having it referred to that committee. July 25. *Ibid.*, 1450. See Ap. 950.

[45] July 16, 1850. *Senate Reports*, 31 Cong., 1 Sess., No. 167. See complaint of Walker, of Wis., at the delay. April 22, 1850. *Cong. Globe*, 31 Cong., 1 Sess., 804.

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toil of his hands upon it. In the principal cities of the country there was a large population of paupers, beggars, and persons of dissolute habits who had spent years in luxury and idleness who were entirely unfit for a life of toil and hardship in the wilderness. Hardy men, proclaimed these senators, needed no inducement of free land. Farmers could always get along in a new country and foreign emigrants usually brought enough money to purchase land, and those who did not were usually industrious enough to earn the necessary amount. The result of homestead would be, in the opinion of the committee, to draw a less worthy class from this and foreign countries to the public lands which they would soon abandon. This report, needless to add, was a through and through "stand pat" document. The authors apparently were of the opinion "that whatever is is right."

Besides the debate on the Illinois Central bill and the land bounty law, there was considerable discussion on the Oregon bill which was enacted into law.[46] This provided that every settler in Oregon Territory, eighteen years or over, who was a citizen, or had declared his intention of becoming a citizen should receive free of charge three hundred and twenty acres of land, if single, and six hundred and forty, if married, on condition of four years' residence and cultivation. The struggle over the Wilmot proviso and the Compromise of 1850 had a strong influence in solidifying Southern sentiment against any policy which would build up the Northwest and stimulate immigration. The trend of the times may be read in the speeches and votes on the Oregon bill: Southern jealousy of the rapidly increasing population of the free States and the growth of the "nativist" feeling.[47]

The law was not entirely satisfactory to the people of

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[46] Sept. 27, 1850. *Statutes at Large*, IX., 496 seq.

[47] *Cong. Globe*, 31 Cong., 1 Sess., 1839-1848.

Oregon. While the bill was pending some had foreseen the difficulty which would follow the donation of such large tracts to individuals.[48] As it worked out, many settlers had more land than they needed, but not being able to secure title to it until after the elapse of four years, they could not dispose of any portion to settlers who were anxious to purchase land in settled communities. Such a situation was unfortunate because, besides involving problems always attendant upon scattered settlement, it prevented the settlement of towns and the purchase of mill privileges and manufacturing sites by those who had the capital to invest in such enterprises.[49]

Upon the approach of the presidential election of 1852 the agitation for a homestead law took on increased vigor; a perfect deluge of petitions from Maine to Minnesota poured into the Nation's capital.[50] Unfortunately our bicameral system has enabled our legislators to cloud the issue on many occasions. The House of Representatives, more sensitive to public sentiment, passed a homestead bill in 1852 by a two to one vote[51] in spite of many filibusters and the hostile influence of bounty[52] and land grant bills. From the begin-

[48] *Cong. Globe*, 31 Cong., 1 Sess., 1843, 1844.

[49] Memorial of the Legislative Assembly of the Territory of Oregon. The *Oregon Statesman*, March 7, 1854. See debate in Congress May 3, 1854. *Cong. Globe*, 33 Cong., 1 Sess., 1075-1080. In the Territory of Nebraska there was the same complaint. *Nebraska News*, March 9, 1857. Greeley thought 80 acres preferable to 160 acres as a homestead grant. No man ever cultivates 160 acres except by the labor of others, he said. Few men can cultivate even 40 acres thoroughly except by the aid of hired or stolen labor. The end of a homestead bill, he declared, should be to encourage each man to work for himself. *N. Y. Semi-Weekly Tribune*, July 21, 1854.

[50] *Cong. Globe*, 31 Cong., 1 Sess.

[51] May 12, 1852. *Ibid.*, 32 Cong., 1 Sess., 1349-1351. There was a great fight over allowing the privilege to foreigners.

[52] Johnson to Patterson, April 4, 1852. *Johnson Papers*, Mss. Vol. 1.

ning of March until the middle of May the bill was before the House and the debate, as a Washington correspondent put it,[53] was made the "stalking horse for political disquisitions bearing on the Presidential question." Representatives with their eyes on the political situation in the States where the bill was popular made speeches calculated to tickle the ears of their constituents.[54] Many members who were opposed to the bill were afraid to have their votes recorded against it.[55]

In the Senate the bill had to contend with a hostile committee on public lands [56] which did not report on it until two months after it had been referred to it,[57] and also against the bill for the relief of the indigent insane [58] which was the very opposite, albeit a clever one, of a homestead bill. The efforts to take up for consideration the homestead bill were voted down overwhelmingly.[59]

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[53] *Charleston Courier,* May 5, 1852.

[54] *N. Y. Weekly Tribune,* May 15, 1852; *Baltimore American,* quoted in the *Richmond Whig,* June 2, 1852; Wash. Corr., *Baltimore Sun,* July 31, 1852; *Des Moines Valley Whig* (Keokuk, Iowa), Sept. 9, 1852; speech of Campbell, of Ohio, March 5, 1852. *Cong. Globe,* 32 Cong., 1 Sess., Ap. 261 seq.

[55] The Washington correspondent of the *Louisville Daily Courier* (June 4, 1852) wrote that a majority of the House members were opposed.

[56] Felch (Mich., Dem.); Shields (Ills., Dem.); Dodge (Ia., Dem.); Underwood (Ky., Whig); Pratt (Md., Whig); *Cong. Globe,* 32 Cong., 1 Sess., 22. Dodge and Shields were friendly to the bill. *N. Y. Weekly Tribune,* May 22, 1852.

[57] In answer to Senator Chase's inquiry Felch, the chairman, said that the committee needed much time because of the great change which it would make in the land system. He also said that the death of a member of the committee and the absence of another had caused delay. July 8, 1852. *Cong. Globe,* 32 Cong., 1 Sess., 1681.

[58] This measure will be discussed in another connection.

[59] Aug. 12. Walker's motion lost 14 to 31. *Ibid.,* 2194. The votes in favor were all Western, Southwestern, and men of the type of Chase, Sumner, and Wade. Aug. 30, 1852, Hale's (N. H.) motion defeated

The course of the homestead bill in Congress in 1852 is significant chiefly for two things: First, it shows that homestead was of such great importance that both of the old parties were hedging in order not to injure their chances in a presidential election; and, second, the South was becoming a unit in opposition. This ultimately transformed the issue from one on which the West and labor were lined up against the old States into a contest between the North and South.

The homestead issue probably did not cut much figure in the election which resulted so overwhelmingly in favor of the Democrats. It had not yet become a party measure, except as a part of the Free Soil platform. While the bill was before Congress the labor leaders sought to bring pressure on the members by declaring that if the bill did not pass the Senate, the Democratic party would be held responsible.[60] In June, 1851, the National Industrial Congress had named Isaac P. Walker, of Wisconsin, who had been active in the Senate in behalf of the homestead bill, as that body's choice for the presidency.[61] During the campaign an address signed by Land Reformers, including John Commerford and Lewis Masquerier, was circulated, which stated that one of the causes of the failure to secure the enactment of a land reform law was the failure of Land Reformers to concentrate their votes on certain candidates.[62] The address recommended that they cast their votes for Scott, because in his letter of acceptance he had declared in favor of the settlement of the public domain by actual occupants only. Pierce was held up as the candidate of a party responsible

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16 to 38. *Ibid.*, 2266, 2267. Mason, of Virginia, objected to Hale's motion because it was moved by the candidate of an abolition party.

[60] *N. Y. Weekly Tribune*, Aug. 7, 1852.

[61] *Ibid.*, *June* 14, 1851.

[62] *Ibid.*, Oct. 23, 1852.

for the defeat of the homestead bill. Although the Free Soilers had a plank which declared that the public lands "should not be sold to individuals nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities, free of cost, to landless settlers,"[63] a vote for their candidate, John P. Hale, was condemned as a vote for Pierce. Land Reformers were advised to vote the entire Whig ticket unless certain Democratic nominees declared specifically for land reform.

The Whig papers, especially those in the West and in those communities where the homestead measure was popular, laid the failure of the homestead bill in Congress at the door of the Democratic party.[64] *The New York Tribune*[65] ridiculed the Democratic plank which condemned distribution as an attempt to dodge the real issue, the freedom of the public lands. Of course, the Democrats in the West denied this, while in the South Democratic editors tried to pin the stigma of friendliness to the measure upon the Whigs, who just as indignantly denied it.[66]

As a result of the election of 1852 the cause of homestead was put back several years. The rout of the Whig party was so complete that the Democratic party under the domination of the South became so firmly intrenched in the federal government that it ruled in defiance of public opinion. Although the National Reform movement as an organization was little more than a name after 1852, the cause moved steadily on. The arrogance of the slaveocracy succeeded in damming up the stream of public opinion for some time, but by a little every year the cause of land reform weakened the barrier. The homestead sentiment continued to mount, like a tide, until within two years it threatened to break through in spite of every possible makeshift the opposition could devise to withstand it.

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[63] Stanwood, *History of the Presidency*, 255.

[64] *The Minnesotian*, Aug. 21 and Oct. 2, 1852; *Illinois State Register*, Aug. 12, 1852; *Louisville Daily Courier*, Aug. 5, 1852; *Florida Republican*, Aug. 19, 1852; *Des Moines Valley Whig*, Aug. 19, 1852.

[65] *Weekly Tribune*, June 12, 1852.

[66] *Minnesota Democrat*, Aug. 25, 1852; *Minnesota Pioneer*, Oct. 28, 1852; *Wilmington* (N. C.) *Journal*, June 4 and 18, 1852; *Richmond Whig*, June 2, 1852.

CHAPTER XI

THE ATTITUDE OF THE SECTIONS TOWARD THE HOMESTEAD BILL

IF, as has been suggested, the United States may be compared to a confederation made up of sections, each of which is comparable in area and population to certain European countries,[1] the South, in 1854, may be thought of as the France of the present day. Southern statesmen felt the same alarm as does the Frenchman to-day who compares the stationary population of his country with the rapidly increasing numbers within the German Empire. Although the population of the slave States increased by 27 per cent. in the decade from 1850 to 1860, this fact was overshadowed by the 41 per cent. increase of the free States; and the fact that out of 4,136,175 foreign born in the United States in 1860 only 118,585 were south of the border States was ominous for the South.[2]

[1] F. J. Turner, "Is Sectionalism in America Dying Away?" *American Journal of Sociology* (March, 1908), XIII., 662, 663.

[2] In Volume V., pp. 595 seq., of *The South in the Building of the Nation* there are articles by Caroline E. MacGill and William C. Hunt, giving interesting and valuable figures on the population of the South. There are complete tables comparing the percentage of foreign born in Southern, Western, and Eastern states, and the emigration from the South, etc. The Report of the Superintendent of the Census for Dec. 1, 1862, says that of the 2,900,000 foreigners resident in the Union only 805,000 are in the slave states; and of these 197,000 are in the comparatively Northern corn-growing states of Md., Va., Ky., and Mo., and 66,000 in the commercial states of Louisiana. Quoted in Johnson, *A History of Emigration*, etc., 169 seq. See Chadwick, *The Causes of the Civil War*, Chap. 2.

The development of the South from 1850 to 1860 was by no means at a standstill, yet Southern leaders felt that with reference to the other sections of the country it was rapidly falling behind. A correspondent of the *New Orleans Picayune*, in 1856, asserted that "if the South drew her patriotism from the Arithmetic, she would not remain in the Confederacy three months longer."[3]

The rise of the factory system in New England and in the East after 1840 had increased the population of those sections and made them more tolerant of the growing West. Not so in the South, where the system of labor not only did not attract immigration but made a dense population impossible and drove out many of the most enterprising citizens, who went to build up other sections which were becoming more and more hostile to the institution of slavery. A very large proportion of the citizens of Indiana, Illinois, Wisconsin, Iowa, and Minnesota came from the northern tier of slave States. They were not the "poor white trash," but enterprising, intelligent, energetic men of moderate means who could not compete with the large planters and who would not work in competition with slaves. It is true that there was a large migration of people from the Eastern States to the West, but their places were filled at once by immigrants from Europe.[4]

Down to about 1850 Southern leaders, like Calhoun, hoped to tie the Northwest to the South by a system of transportation by which the products of the two sections could be mutually exchanged.[5] If the South could be made economi-

[3] Quoted in *Charleston Courier*, Nov. 4, 1856.

[4] See a very interesting and suggestive editorial in the *Weekly Chicago Press and Tribune*, Oct. 28, 1858. See also De Bow's *Resources of the Southern and Western States*, III., 96 seq.

[5] See speeches of McD[illegible]e, of S. C., Jan. 19, 1844. *Cong. Globe*, 28

cally and politically independent of the East by a varied system of agriculture and an alliance with the Northwest, the danger of the growing anti-slavery agitation would be greatly lessened. Then there was always the lingering hope, even after the South had declared itself politically independent, that the West would split into two or more political units and thereby establish an American balance of power.[6] But this dream was shattered by the natural course of events. The Northwest and the East, instead of growing away from each other, became bound closer and closer by bonds of iron and blood. The railroads, instead of hauling their freight to the South, brought it to the cities of the East;[7] and it was inevitable that the settlers from New England and the East should retain many of their native ideas and cherish the connection with their kin rather than turn to a people whose ideals were so different from their own. With their immobile system of labor and comparatively slowly increasing population Southern leaders more and more came to see the futility of attempting to settle the West with their own people.[8] Those who did leave their Southern homes were not the large planters who could not easily tear themselves away, but the small farmers whose experiences politically, socially, and economically, made them hostile to slavery when they came to a region where the institution did not exist.

These conditions were bad enough for the South, but they were by no means all. After 1854, when the fortunes of the

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Cong., 1 Sess., 168, 169; and Calhoun, June 26, 1846. *Ibid.*, 29 Cong., 1 Sess. 1028.

[6] Editorial in *Richmond Enquirer*, April 1, 1862.

[7] Paxson, "*Early Railways of the Old Northwest*," Wisconsin Academy of Science, Arts, and Letters, *Transactions*, XVII., 225. See suggestive series of maps.

[8] Rhodes, *History of the United States*, II., 101. See also editorial in the *Baltimore American*, April 9, 1857.

South were inextricably connected with the Democratic party, it was more than Southern pride could bear to see how the Germans who were flocking into the Northwest were deserting to the "Black Republicans." Senator Stephen Adams, of Mississippi, speaking on the bill to amend the Naturalization laws, in 1856, accurately voiced the sentiment of the South:[*] "The number of members in the representative branch of Congress in 1800 was equal. By the apportionment of 1850, the non-slaveholding States were entitled to 144; slaveholding States to 90—present majority 54. The North gained in the last ten years, from 1840 to 1850, 7 members, which may be explained, not from natural causes, but from foreign immigration. By the census of 1850, we find that the present House of Representatives has 24 members representing the foreign population—20 from the North, and 4 from the South. Eighteen of that number arrived in the United States between 1840-1850—15 North and 3 South; a gain to the North, within that 10 years, of 12. It will be seen that but for the immigration, the South would have gained 5 members upon the North, and we would have been gaining our lost political strength, in the place of the North gaining upon us. . . .

"If immigration should be the same for the next 5 years, by the same apportionment the North will gain upon the South 24 additional members from immigration alone; and 15 years from this day . . . the North will have a majority of more than 2 to 1 in the other branch of Congress; and the prospect now is that it will have a similar majority in this body. . . . Does any one doubt, if such political power existed, that the North would not at once change the Constitution so as to abolish the three-fifths representation for our blacks in the House? . . .

[*] June 16. *Cong. Globe*, 34 Cong., 1 Sess., 1409-1414.

"The whole education of the foreigners, and their prejudices when they come to this country, are against the institution of slavery; and every thing they hear at the North but confirms that prejudice, and establishes them in their opposition to the South; and in such a contest as I have supposed, I have no doubt nine-tenths would vote the Republican ticket."

At the risk of wearying the reader, we quote further from the "fire-eating" *Charleston Mercury* in 1860,[10] probably the most influential paper in the South at that time: "It will be remembered that the hundreds of thousands of foreigners who touch the American shore land in the city of New York. . . . They reach New York by the shipload, and to the Southerner one of the strange sights is a train of 30 to 60 cars hauled by one or two locomotives, solely freighted with Germans and their plunder, *in transitu* for the extreme Northwest. We have seen trains with a thousand foreigners aboard, at a reasonable calculation, who were bound for Wisconsin and the West.

"However lofty is the song about the United States being an 'asylum for the oppressed of Europe,' and however little we are disposed to cast any reflections upon the foreign element in our population, of which there are thousands of exceptions to the charge, it is none the less true that this immense influx of Germans and others have populated the great Northwest, and with their agrarian notions, and sound ignorance of the genius of our institutions, have vitiated and demoralized the principles of the Democratic party. There is no mistake in this. Whole towns and counties are settled by these people, while they are scattered more or less in every portion of the North, in numbers sufficient to control the elections.

[10] *Tri-Weekly*, March 17.

"The Homestead Bill is a grand scheme to settle the Northwest and create new States. But in all these Northwestern States the tone of Democracy is good for nothing. Their position on Squatter Sovereignty belie all their professions upon the constitutional rights of the South in the territories concerning slavery, and their advocacy of the Homestead Bill show their acquiescence to a principle that only makes the Abolition forces stronger, and the growth of any heresy sanctioned by American demagogues."

That the political leaders of the South and the planting interests should have been practically a unit in opposition to a bill which granted 160 acres of land free to American citizens and to those of foreign birth who had declared their intention of becoming citizens is not to be wondered at. "I have no jealousy of the new States," said Senator Toombs,[11] of Georgia. . . . "I am perfectly willing that people shall go to the new States, but I will not give them bounties to go. I believe the settlement of the public territory is advantageous to both the old and new States; but I also believe that the States aggregately have an interest in the public domain." "There are special and peculiar reasons why the South should oppose the [Homestead] measure," said the *Wilmington* (N. C.) *Daily Journal.*[12] "Its operation will be unequal and unjust; for, from the nature of their social habits, it is impossible that the people of the South should compete with the North in the race of occupancy. The floating population of the North will absorb the public domain, additional free states will be brought into the Union, and the balance of political power will be still further disturbed. Of all the measures of legislation, by which the abolitionists seek to accomplish the ruin of the South, the Homestead bill is, beyond comparison, the most iniquitous and most efficient for their evil purposes." "Most of the new settlers, who obtain homesteads . . . would be abolitionists," declared the *Columbus* (Miss.) *Democrat*,[13] "whether they come from the North or from Europe, and in a brief time all the territories bordering on the slave states might be settled, filled up and, of course, controlled and governed by free soilers—enemies of Southern institutions. Better for us that these territories should remain a waste, a howling wilderness, trod only by the red hunter than be so settled and governed. We prefer the neighborhood of the wild Comanche to that of the black hearted abolitionist. This, we know, is a sectional view of the subject but we are compelled in self-defence to look upon it in that light."

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[11] Jan. 3, 1855. *Cong. Globe*, 33 Cong., 2 Sess., 170. Toombs was more liberal in his attitude toward the West than men like Davis, Mason, Hunter, and Benjamin. As late as 1860 he voted for a liberal homestead law. May 9, 1860. *Ibid.*, 36 Cong., 1 Sess., 1998, 1999.

[12] May 1, 1854.

The fact that the homestead bill was identified with free soilism and abolitionism[14] made it extremely odious to the South. . . . "We make bold to say," exclaimed the *Charleston Mercury*, in 1860,[15] "that it is the most dangerous abolition bill which has ever indirectly been pressed in Congress. How many individuals are there in the South who can and will take advantage of the bonus to emigrate to the frontier, because, perchance, 160 acres of land invite them? With us land is cheap, and the disposition for a planter to take his negroes and go a distance, where the Government may own land, is ranked among the novelties of Southern societies."

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[13] July 28, 1854. It will be remembered that most of these sentiments were expressed when the Kansas-Nebraska bill was pending. Taken in this connection they are even more significant.

[14] Cf. its advocacy by Gerritt Smith and Giddings. Julian, *Giddings*, 314; Frothingham, *Gerritt Smith*, 215, 216, 222; speech of Julian. Jan. 29, 1851. *Cong. Globe*, 31 Cong., 2 Sess., Ap. 135.

[15] *Tri-Weekly*, March 17. Cf. speech of Senator Mason, of Virginia, Aug. 30, 1852, on the motion of John P. Hale, of New Hampshire, to take up the homestead bill. . . . "The Senator who makes this proposition has been nominated for the Presidency of the country by a party called the Abolition party. . . . If there were no other reason for passing it over until after the November election, that would be conclusive with me." *Cong. Globe*, 32 Cong., 1 Sess., 2367. At a meeting of the Land Reform Democracy in New York, a letter from ex-Senator James D. Westcott, of Florida, was read, in which he declined to make a

To stamp a measure as "contrary to the spirit of the Constitution," "a direct appeal to the venality of voters," "an assault upon the citadel of suffrage," "class legislation,"[18] etc., has always been a favorite method of attacking it, but in the last analysis these are merely talking points. Rarely do men come out boldly and oppose a measure on the ground of its hostility to their section. That constitutionality is often a matter of latitude and longitude is illustrated by the careers of some of our leading politicians. The Native American party secured a strong foothold in the South not because Southerners were less friendly to the "downtrodden masses of Europe" than were New Englanders and Westerners, but because immigration was building up the North at the expense of the South. And this is the reason why the homestead bill was opposed by the South.

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speech. He said he was in favor of land reform, but would consider it a compromise of dignity to belong to the Land Reform party because certain anti-slavery men had declared themselves in opposition to a monopoly of public lands. *N. Y. Weekly Tribune*, June 7, 1851.

[18] These epithets were applied to the homestead bill by many Southern newspapers and speakers. Only a few examples are cited: *Wilmington* (N. C.) *Journal* (Weekly), May 21, 1859; *Richmond Enquirer* (Semi-Weekly), June 1, 1859; *Petersburg* (Va.) *Democrat*, quoted in *North Carolina Standard* (Semi-Weekly), Oct. 8, 1853; *Republican Banner and Nashville Whig*, March 23, 1852; speeches of Morse, of La., July 23, 1850. *Cong. Globe*, 31 Cong., 1 Sess., 1448, 1449; Averett, of Va., April 8, 1852. *Ibid.*, 32 Cong., 1 Sess., 1018 seq.; Bowie, of Md., April 28, 1852. *Ibid.*, Ap. 479-482.

The truth of this statement is proven by the attitude of certain regions in the South and of certain Southern men. The New Orleans *Picayune*, desirous of seeing the development of the Mississippi Valley and the Southwest as a feeder for New Orleans, warmly championed the measure for a time.[17] So long as the Gulf city was receiving her share of German immigrants she was not seriously concerned about the threatened perversion of the Constitution. Neither were the young States of Florida [18] and Arkansas. In the latter State the newspapers contained editorials calling upon her public men to do something to retain some of the people who were joining the rush to the California gold fields and to attract settlers by acquainting them with the stretches of fertile lands in Arkansas.[19] In December, 1852, the Governor approved a law granting every free white citizen, male or female, not exceeding 160 acres on certain conditions and making the homestead exempt from debt.[20] Missouri, another slave State, although largely Western in spirit, was also favorable.[21]

It would be erroneous to suppose that there was an entire absence of a homestead sentiment in the South outside of Louisiana, Florida, and Arkansas. The fact is that there were many who had a direct interest in the enactment of such a law. However, those who did favor such a law were of the class of people who in the past have been unable to exercise a potent influence on legislation and who have left few records of themselves. The domination of the slaveholders in politics and journalism was so complete that the non-slaveholding interests had little voice.

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[17] New Orleans *Daily Picayune*, May 23, 30 and June 12, 1852. This paper opposed homestead in 1860.

[18] *Florida Republican*, June 3, 1852; *Florida News*, Feb. 5, 1853.

[19] See *Arkansas State Gazette and Democrat* for 1850, 1851 and 1852.

[20] *Arkansas State Gazette and Democrat*, Dec. 10 and 17, 1852.

[21] 1849. Resolutions of Legislature of Missouri, March 3, 1849. *Senate Miscellaneous Documents*, 31 Cong., 1 Sess., Doc. No. 25; *Jefferson* (Mo.) *Inquirer*, Jan. 8, 1853, and Feb. 10, 1855. At about the same time as these resolutions were adopted the Legislature formally declared its sympathy for the slave-holding states and denounced the conduct of the Northern states on the subject of slavery. March 10, 1849. *Senate Miscellaneous Documents*, 31 Cong., 1 Sess., Doc. No. 24.

Andrew Johnson, whose enemies were fond of calling him "that prince of humbugs," was the spokesman in Congress of the up-country. Born in Raleigh, North Carolina, amidst poverty and misery, an apprentice at ten, he moved at the age of eighteen to Greenville, Tennessee, where he became the personification and idol of East Tennessee. A man of more than ordinary ability, in every fibre a Jacksonian Democrat, intolerant, dogmatic, jealous of his own rights and those of his class, he espoused the cause of the great middle class as against the aristocracy of birth and wealth.[22] This "mechanic statesman," as he was called, preached a crusade against what the present day calls the "invisible government." He was a man far ahead of his time; in fact, the principles for which he stood put him abreast of the radicals of our own day. His advocacy of the abolition of the electoral college, the direct election of senators, a limited term for justices of the Supreme Court, the abolition of the convention system of nominating presidential candidates, the agitation in the constitutional convention in his own State to limit the influence of slaveholders by basing representation in the Legislature on the white population alone,[23] all reveal his hatred of "an illegitimate, swaggering, bastard, scrub aristocracy, who assumed to know a great deal, but who, when the flimsy veil of pretension was torn off from it, was shown to possess neither talents, information, nor a foundation on which you can rear a superstructure that would be useful." [24] It was this man who, after a battle of twelve years in behalf of the homestead bill, declared: "All that I desire is the honor and the credit of being one of the American Congress to consummate and carry out this great scheme that is to elevate our race and to make our institutions more permanent." [25]

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[22] Jan. 12, 1846, Johnson offered a resolution in the House of Representatives declaring that: 1) Rotation in office is one of the cardinal tenets in a Republican form of government; 2) eight years is the longest term any individual ought to be permitted to remain in office whose appointment is conferred upon the President of the United States and the heads of departments; and 3) in the selection of individuals to offices due regard to farmers and mechanics ought to be paid. *Cong. Globe*, 29 Cong., 1 Sess., 192. In these resolutions can be read the influence of the Loco-Focos and National Reformers.

From the day he introduced his first homestead bill, in 1846, until a law embodying its principle was placed on the federal statutes sixteen years later, Johnson never ceased his efforts in its behalf. His greatest speech was delivered in the Senate on May 20, 1858. Citing the views of Washington and Jackson, in order to establish the constitutionality of the measure, and declaring that the question of dollars and cents was of no consequence, he launched into the reasons why the measure was desirable. The growth of cities and the consequent increase of pauperism and vice were to him causes for alarm. "Our true policy is to build up the middle class; to sustain the villages; to populate the rural districts, and let the power of this Government remain with the middle class," he said. "I want no miserable city rabble on the one hand. I want no pampered, bloated, corrupted aristocracy on the other. . . . What a sacred thing it is to a man to feel that he has a hearthstone to defend; a home, and a wife and children to care for, and to rest satisfied that they have an abiding place. Such a man is interested individually in repelling invasion; he is interested individually in having good Government. . . . The great mass of the people, the great middle class, are honest."

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[23] Jan. 25, 1859. Speech on Pacific Railway bill in the Senate. *Cong. Globe*, 35 Cong., 2 Sess., 579 seq.

[24] Speech on "The Army" in the House of Representatives. May 29, 1846. *Ibid.*, 29 Cong., 1 Sess., 865.

[25] Speech May 20, 1858. *Ibid.*, 35 Cong., 1 Sess., 2265-2273.

Mr. Johnson, as a firm believer in "manifest destiny," looked far beyond the borders of his own State or section. . . . "I am as good a southern man as any one who lives within the borders of the South," but "if, by crossing the boundary of my State and going into another, [a man] can better his condition, I say let him go. . . . Who would say to the poor man in North Carolina, that has no land of his own to cultivate, that lives upon some barren angle, or some piny plain, or in some other State upon some stony ridge, that he must plough and dig the land appointed to him by his landlord, and that he is not to emigrate to where he can better his condition?"

The speaker went on to say that he disagreed with his Southern colleagues who held that property was the main object and basis of society. He quoted Jefferson to show that the remedy for defects in a democratic form of government was to make it still more democratic, to put more power in the hands of the people. But if the position of the slaveholders be true, then he would demonstrate to them that stability of property rights and government could be secured only by making the people landholders and thus giving them an interest in the maintenance of government. "I believe the passage of this bill will strengthen the bonds of the Union. It will give us a better voting population, and just in proportion as men become interested in property, they will become reconciled to all the institutions of property in the country in whatever shape they may exist."[26]

Such sentiments could not fail to call down upon Johnson's head the wrath of the "fire-eaters" who branded him a traitor to the South,[27] but it brought him considerable popularity in the North and West, especially in the West, where in 1860 he was mentioned favorably for the presidential nomination.[28] Johnson always vigorously denied that homestead was a party measure, but his enemies in the South insisted it was a "Black Republican" measure.[29]

Of course, it is impossible to say whether or not the homestead bill would have become a law any sooner if some one else had been its sponsor, but admitting Johnson's keenness in debate, his best friends conceded that he was utterly deficient in tact and had few constant friends.[30]

After the formation of the Republican party, it may be stated, with certain reservation, the East and New England were pretty generally in favor of the homestead bill, so far as their representatives in Congress were concerned. Men of both parties realized that under the stimulus of such a measure the population and development of the old States would suffer, but neither party could afford to antagonize this great and growing section whose political and economic influence was increasing every year. New England and the Middle Atlantic States had no "peculiar institution" whose existence was threatened by the population of a large section whose antecedents and interests were all on the side of freedom and democracy in its purest form. In fact, many came to see that the enactment of a homestead law would be one of the hardest blows that could be struck against slavery.[31] As a result of Southern opposition the homestead bill became a Republican and anti-slavery measure.

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[26] For the sentiments of other Southern men who supported the homestead bill on practically the same grounds as Johnson, see speeches of McMullin, of Virginia, and A. G. Brown, of Mississippi, July 25 and 26, 1850. *Cong. Globe*, 31 Cong., 1 Sess., 1450, 1457-1460.

[27] See *Republican Banner and Nashville Whig*, May 26 and 28 and June 7, 1857; *Augusta* (Ga.) *Confederacy*, quoted in *Ibid.*, April 3, 1860; *Ibid.*, April 13 and 15, 1860; *Huntsville* (Ala.) *Independent*, quoted in *Memphis Daily Avalanche*, Oct. 24, 1859; *Southern Monitor* (Tuscaloosa, Ala.), Aug. 4, 1860; *Nashville Union and American*, April 7, 1860; *Daily Chronicle and Sentinel* (Augusta, Ga.), Oct. 6, 1860.

[28] *Philadelphia Press*, quoted in *North Carolina Standard*, Sept. 12, 1857; *Detroit* (Mich.) *Guardian*, quoted in *Nashville Union and American*, April 8, 1860; *Indiana Daily Sentinel*, quoted in *Ibid.*, April 12, 1860; *Mankato* (Minn.) *Record*, quoted in *Ibid.*, March 17, 1860.

[29] See *Nashville Union and American*, April 7, 1860.

[30] McCulloch, *Men and Measures*, 377, 378, 405.

New England's willingness to build up the West, even at a loss of her own citizens, was in some degree enlightened self-interest. With the development of railways many of her citizens travelled through the more settled regions of the West, and, like the Eastern men of to-day, had their eyes opened to the tremendous possibilities of the country. As a consequence, Eastern capitalists invested heavily in Western railways and other Western securities and used their influence to further measures which would increase the population of the West. A populous and prosperous West was certain to become a heavy buyer in Eastern markets.[32] Men like Galusha A. Grow, of Pennsylvania, made good use of the labor argument that free lands would relieve the economic pressure in the cities.[33] It was better, said one editor, to have two thousand people who were making our wild land blooming and fruitful than to have six hundred policemen to watch two thousand people in jail. It was better to send young women and children where they could inhale the free air than to herd them in damp cellars.[34] "I know the lands will go West [sic]," said Senator Hale, of New Hampshire,[35] "and, what is worse, you will take our children, too; our young men and young women. You will take those who till the soil; those who give character to the State will go West, and carry our means with them. When we grant to the West, we grant to our own kindred, our own sons and brothers, who will leave the sterile and hard soil of the East to people the fertile valleys of the West; and so far as I am concerned my blessing will go with them. I know it is idle to ask for a dollar of this money, or an acre of this land for the old States; for if we do not give it to the new States now, they will take it. That is an inevitable destiny and a fixed fact *per se*, and I am not disposed to oppose it or cavil at the result."

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[31] Foster, of Maine, April 24, 1860. *Cong. Globe*, 36 Cong., 1 Sess., Ap. 244 seq.

[32] *Boston Post*, Aug. 5, 1854; *The Pennsylvanian*, March 31, 1854; *Providence Journal*, quoted in *Pensacola* (Fla.) *Gazette*, April 10, 1852; *New York Weekly Tribune*, July 23, 1853; *New York Daily Tribune*, Aug. 25, 1860; *The Daily Union* (Washington, D. C.), March 14, 1852; Wash. Corr., *Baltimore Sun*, Aug. 30, 1852; *Daily Iowa State Democrat* (Davenport), April 27, 1857.

[33] Speech in House of Representatives. March 30, 1852. *Cong. Globe*,

However, by no means everybody in the old States viewed the matter in such a philosophical manner. Nearly all new propositions of importance are met with the cry that "vested interests" are assailed and endangered. The extraordinary migration from the Atlantic States to the West in the fifties excited alarm.[36] The *New York Herald*,[37] in 1857, calculated that about three hundred thousand persons would leave New England for the West that year. The value of the

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31 Cong., 1 Sess., Ap. 496, 497. See speech of H. D. Moore, of Pennsylvania, June 19, 1850. *Ibid.*, 31 Cong., 1 Sess., 1951-1953.

[34] *New York Sunday Dispatch*, quoted in *Der Volks-Tribun*, Sept. 5, 1846.

[35] Jan. 10, 1851. *Cong. Globe*, 31 Cong., 2 Sess., 213.

[36] *Chicago Press*, May 30, 1857.

[37] Quoted in *Ibid.*, June 3, 1857.

property they would carry with them was estimated at twenty million dollars. Besides the check which the migration of her own people gave to the East, the great economic importance of the South enabled it to bring pressure to bear upon the conservative and capitalist East, especially relative to economic legislation.[38]

According to the Report of the Commissioner of the General Land Office, November 30, 1853, the estimated cost of the public lands to the government, including cost of purchase, surveying, selling and managing, was a little less than twenty-two cents per acre.[39] To give away the public lands without any equivalent was regarded as a reckless injustice, especially to the older States.[40] The argument against preemption, that it was a bounty, was used with greater force against homestead. It was questioned how much good a donation of one hundred and sixty acres would accomplish.[41] "What is lightly won is lightly prized" applied to free farms. "The bee that robs the hive of his neighbor becomes idle and improvident—and is never known to profit even by the flowers in his own garden, and the outrage usually results in the death of the robber and the robbed," according to a petition from citizens in Pennsylvania.[42] It was absurd, said the

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[38] Cf. Dodd, *Profitable Fields of Investigation in American History, 1815-1860. American Hist. Rev.*, XVIII., 522.

[39] *Senate Executive Documents*, 33 Cong., 1 Sess., Doc. No. 1, pp. 110-112.

[40] Report of the House committee on public lands, Collamer, of Vermont, chairman, June 22, 1848. *U. S. House Reports*, 30 Cong., 1 Sess., No. 732; *Washington* (D. C.) *Sentinel*, quoted in *National Intelligencer*, May 8, 1854.

[41] *Buffalo Commercial Advertiser* and *Boston Daily Mail*, quoted in *N. Y. Weekly Tribune*, Feb. 14, 1846; *N. Y. Journal of Commerce*, quoted in *Richmond Whig*, May 28, 1852; *N. Y. Commercial Advertiser* and *N. Y. Mirror*, quoted in *Ibid.*, June 2, 1852.

[42] Northumberland County. Feb. 24, 1847. *House Files*, Mss. 29 Cong.

Philadelphia Inquirer,[43] that, instead of assisting the widow, the orphan, the old, lame, sick, or blind, that men in the vigor of manhood should receive charity through the homestead bill. Besides, observed the *New York Mirror*, if a man was not able to purchase a farm for $1.25 per acre, he was of no use to the country.[44] By accepting a gratuity, a blow would be struck at American individualism.

The opposition to the homestead bill in the West was negligible after 1852. No Western man could remain in public life and oppose a measure which meant so much to that section.[45] Senator Felch, of Michigan, for some years chairman of the committee on public lands, was one of the class who held that it would lower property values and do injustice to those who had purchased government land.[46] Those who know anything of the settlement of a new country, said he, are well aware how delusive is the idea that every person is fitted for success in cultivating a farm in the wilderness. Conservative Western men believed that the settlement of the public lands had advanced fast enough for the public good, and the homestead law, besides enticing thousands to take up a life for which they were unfitted, would stimulate an unhealthy growth of the new country.[47] It was not a question of how much land should be cultivated, he argued, but how well.

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[43] Quoted in *National Intelligencer*, June 14, 1852.

[44] Quoted in *Ibid.*, July 27, 1854.

[45] Senator Walker attributed the defeat of Senator Felch, of Michigan, for another term to his opposition to homestead, March 3, 1853. *Cong. Globe*, 32 Cong., 2 Sess., 1083.

[46] Jan. 13, 1851. *Ibid.*, 31 Cong., 2 Sess., Ap. 106, 107. See also speech of John Welch, of Ohio, June 12, 1852. *Ibid.*, 32 Cong., 1 Sess., Ap. [illegible].

[47] *Weekly North-Western Gazette* (Galena Ills.), May 25 and June 1, 1852; *Wisconsin Statesman*, Sept. 19, 1850.

But the West as a whole could see but one side to the homestead question. They did not consider the measure a sacrifice on the part of the federal government for the West; it was to them nothing more nor less than a plain act of justice. By pursuing a liberal policy the government would be liberally rewarded. The public lands were looked upon as capital, raw material, which ought to be made productive by applying labor to it as soon as possible.[48] Free lands to actual settlers was merely sound economic policy. To allow land to remain unproductive in the hands of speculators was to hoard capital. A homestead law would put a quietus on land speculation.[49] The Western man objected to selling public lands for two reasons mainly: First, he believed that the settler ought to be given every encouragement and by making it possible for him to apply his savings to the stocking and improvement of his farm, he would be better able to undertake the journey.[50] Second, it was felt to be unjust for the inhabitants of the Western States and Territories to pay money which would be carried to the East where they would receive little benefit from it. Money was needed in the West to build school-houses, roads, bridges, and the other conveniences of society.[51] After the enactment of the Oregon donation law the frontier States, like Minnesota, complained that the federal government was discriminating against them in favor of Oregon, and demanded that they be given the same privileges.[52]

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[48] Speech of Dunham, of Ind., April 6, 1852. *Cong. Globe*, 32 Cong., 1 Sess., Ap. 408; speech of Julian, of Ind., Jan. 29, 1851. *Ibid.*, 31 Cong., 2 Sess., Ap. 135, 136; speech of Green of Mo., Jan. 28, 1851. *Ibid.*, 31 Cong., 2 Sess., 314, 315; Report of the committee on public lands in the Senate, Breese, of Illinois, chairman, Feb. 24, 1846. *Senate Documents*, 29 Cong., 1 Sess., Doc. No. 148.

[49] *The Minnesota Democrat*, April 21, 1852; *St. Anthony* (Minn.) *Express*, April 30, 1852.

[50] *Iowa Republican* (Iowa City), March 22, 1854; *Detroit Free Press*, March 19, 1852.

[51] Speech of Senator Walker, of Wis., Jan. 29, 1852. *Cong. Globe*, 32 Cong., 1 Sess., 311.

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[52] *St. Anthony* (Minn.) *Express*, May 6, 1853.

CHAPTER XII

THE STRUGGLE BETWEEN SLAVERY AND FREE LANDS, 1854

THE year 1854 is indelibly associated with the Kansas-Nebraska bill. The great historian of the struggle between the North and South has called it the most momentous measure that ever passed Congress up to the Civil War and to it he has attributed the doom of the Whig party, the formation of the Republican party, the downfall of the Democratic party, the movement of the Germans into the Republican party, and that party's capture of the Northwest.[1] The spectacular struggle which it precipitated in Congress, the attractive and prominent man whose name is always thought of in connection with it, and the still more prominent man who challenged the principle laid down in the bill has unduly magnified its importance. In its immediate effect the Kansas-Nebraska was probably the most important bill of the time, but the great sectional struggle which raged around it was due in part to the existence of a vast public domain in the West.[2] In the large, the homestead bill, although not enacted into law until eight years later, was one of the most important bills of the Nineteenth Century and in order to understand the momentus struggle in Congress and its historic consequences, the homestead and Kansas-Nebraska bills must be studied together. Leaders on both sides understood that a squatter sovereignty law followed by a liberal homestead law and railroad land grants on a lavish scale would have been of little benefit to the South.[3] "I think," said Senator Seward, "that if these honorable Senators will turn their attention to the question whether it is possible that African slave labor can be made, by any application of human wealth, or human talent, or human power that can be combined, to rescue the unsettled portions of this continent from the invasion of free labor, increasing as it is in this country, and increasing by the immigration from abroad, they will find it a profitable subject of inquiry."[4] The task of the South in counteracting the greater facility of colonization by the men from the free States was great enough without the added handicap of a homestead system.

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[1] Rhodes, I., 490, 491.

[2] See Turner, *Significance of the Frontier*, 218, 219.

The second session of the thirty-second Congress which convened following the election of Pierce was of little importance from the standpoint of land legislation. The homestead bill was made a special order, but in the struggle between the various groups which favored the Pacific Railroad bill, the indigent insane bill, and land bounty bills, it never came to a vote.

In the following session, in spite of a crushing preponderance in both branches of Congress of Democrats who were at least nominal supporters of the administration, the opponents of homestead narrowly escaped defeat; so determined were its supporters that it seemed that all obstacles were destined to be overcome.[5] Immediately after the assembling of Congress in December, 1853, notices of intentions to introduce homestead bills were given by Dawson[6] and Grow,[7] of Pennsylvania, Henn,[8] of Iowa, and Cobb,[9] of Alabama, in the House of Representatives, and by Chase,[10] of Ohio, and Gwin,[11] of California, in the Senate. Dawson's bill was reported back from the committee on agriculture, to which it had been referred, without amendment,[12] and was made a special order for February 14.[13] In a few days the Kansas-Nebraska bill was taken up for consideration in the Senate,[14] and from this time on these

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[3] Wash. Corr., N. Y. *Journal of Commerce*, quoted in *Boston Evening Traveller*, March 6, 1854.

[4] Speech on "Kansas Affairs," Feb. 8, 1858. *Cong. Globe*, 35 Cong., 1 Sess., 618. Speech of Representative Roland Jones, of Louisiana, April 13, 1854: "I presume, Mr. Chairman, that there is no question which so much divides the Democratic party of this country as this public land question." *Ibid.*, 33 Cong., 1 Sess., 912.

[5] Rhodes, I., 461, gives the complexion of the Senate as 37 Democrats, 21 Whigs, 2 Free Soilers; and the House 159 Democrats, 71 Whigs, 4

Free Soilers. McKee, *National Conventions* (3d ed.), 86, gives 38 Democrats, 22 Whigs, and 2 Free Soilers in Senate. See *N. Y. Semi-Weekly Tribune*, Dec. 9, 1853.

[6] Dec. 5, 1853. *Cong. Globe*, 33 Cong., 1 Sess., 4, 5. The bill was introduced Dec. 14. *Ibid.*, 47.

[7] Dec. 5. The bill was introduced Dec. 14. *Ibid.*, 47. Grow's bill differed from Dawson's on the following points: 1) Dawson's bill confined the law to citizens who were residents at the time of the passage of the bill. Grow's provided that a man should declare his intention to become a citizen before he could make an entry and before the patent was issued he had to be naturalized. 2) According to Grow's bill the settler had to swear that the land was for his own use. 3) Settlers had to pay the cost of survey. *Ibid.*; 547. Grow moved to substitute his bill for Dawson's, but the motion was voted down March 6, 1854. *Ibid.*

[8] Dec. 6. *Ibid.*, 7.

[9] Dec. 12. *Ibid.*, 37, 38.

[10] Dec. 6. *Ibid.*, 5.

[11] Dec. 6. *Ibid.*, 5. Gwin said that at the close of the last session he had pledged himself to Senator Dodge, of Iowa, that he would assist in passing the homestead bill if the Pacific Railway bill passed. Dec. 7, Gwin's bill was introduced. *Ibid.*, 14. This bill differed from the homestead bill which the House had passed at the last session in that the right of settlement upon unsurveyed land was granted. Gwin said this provision was indispensable to the inhabitants of the new states and territories because many years would elapse before the lands in these states and territories would be surveyed. *Ibid.*, 38.

[12] Dec. 15. *Ibid.*, 48.

[13] Jan. 16, 1854. *Ibid.*, 179.

[14] Jan. 24. *Ibid.*, 239 seq.

two bills were closely connected. Immediately a debate was precipitated over the attempt to confine speakers who made the homestead bill the occasion to air their views on the Kansas-Nebraska bill to the former, but the decision of the chair to cut off such discussion was overruled by a large majority.[15] Both sides realized that the homestead bill was the strongest possible antidote to the Kansas-Nebraska bill.[16]

When the homestead bill reached the Senate and the territorial bill was pending in the House, Senator R. W. Johnson, of Arkansas, sounded the key-note of the Southern opposition.[17] Although he had supported homestead bills before, he declared that he was suspicious of its friends who were urging its immediate consideration. Why was this bill pushed so anxiously? he inquired. Because the government was extinguishing titles to lands west of Missouri and Iowa and when the Indians were removed, all that region would be open to settlement and people would move there without an organized government. By the Missouri Compromise Southerners were forbidden to take their slaves there and if the homestead bill were passed, all the balance of the world would be invited to settle that country, only excluding people from the South. If the territorial bill were rejected or delayed for two or three years, the question involved in those bills would be practically settled "and by a law which has

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[15] Feb. 15. *Ibid.*, 457.

[16] The contemporary newspapers prove this.

[17] May 8. *Ibid.*, 1125, 1126. "If [the homestead bill] was forced upon me to-day, I should vote against it. Why? Because just at this time it is tinctured, to a degree, from *its inevitable effects*, and under the peculiar circumstances, so strongly with abolitionism, that I cannot, for one, bring myself as a representative on this floor from the South, for one moment to think of permitting it to pass this body, and become a law." Extract from Johnson's speech.

a higher force than the Wilmot proviso itself." "I do not consider, or believe," he concluded, "that any man who is from the South can conscientiously come forward and support that measure; at least, until the Kansas-Nebraska bill shall have been passed." The words of Representative Letcher, of Virginia, are equally significant;[18] "I have no objection to the organization of these Territories when they are needed, but I have an objection to using the power of this Government for the purpose of stimulating a hot-house system, that shall encourage these Territories, and bring them upon us of the South as States when we are weak enough already in this Government. . . . Do not let this Government undertake to destroy us of the South by holding out stimulants to the encouragement of northern Territories, the propagation of northern sentiment, and the multiplication of northern representatives here and in the Senate."[19]

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[18] Speech on "An act to amend the Oregon bill." May 3, 1854. *Ibid.*, 1079, 1080. The Alton (Ills.) *Telegraph and Madison County Record* (Whig), April 17, 1854, said that the fate of homestead in the Senate may depend not a little upon the fate of the Nebraska bill in the House. The Washington correspondent of the *Baltimore Sun* (Independent, but pro-Southern), June 19, 1854, wrote that the anti-Nebraska senators had determined to support the homestead bill on the ground that it was an antidote to the slavery clause in the Nebraska bill. The *Iowa Republican* (Iowa City, Whig), March 22, 1854, declared that the Nebraska and homestead bills are antagonistic. If the former bill passes the House, ran the editorial, the latter will probably be defeated in the Senate by Southern influence; and even should it pass, it is not unexpected that the President will veto it. Slavery and free white labor under the homestead law can never work harmoniously. There is not a Southern senator but expects to see slavery in Nebraska Territory if the bill passes, and they will never give the free immigration such an advantage over that from the slave states. If both bills become laws, the homestead bill will ultimately drive slavery from that territory, and if both pass we shall be pleasantly disappointed.

[19] See the speeches of Smith and Millson, of Virginia, Feb. 21 and 28 and March 2. *Cong. Globe*, 33 Cong., 1 Sess., 461, 505, 526.

There is no need at this place to rehearse the Southern objections to the homestead bill as revealed in the debate. Summoned up, the speeches emphasize the jealousy of the rapidly developing free States and the helplessness of the South in competing with them in the rush to the Territories.[20]

Three days after the passage of the Kansas-Nebraska bill by the Senate, and after its enemies had exhausted all sorts of obstruction tactics, the homestead bill passed the House on March 6th by a vote of 107 to 72.[21] Thirty-five per cent. of the negative votes came from New England, New York, and Pennsylvania and the remainder from the South, including Maryland. Two or three Western representatives cast their votes in the negative. With very few exceptions, the New England and Eastern representatives who voted against homestead also opposed the Kansas-Nebraska bill. Likewise, of the Southern men who voted against homestead, all except a very few registered their votes in favor of the territorial bill. About thirty per cent. of the affirmative homestead votes came from the slave

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[20] Senators Gwin, of California, and Dodge, of Iowa, regretted that the abolition question had been identified with the homestead bill. "Now, sir, I am one of those who have seen with the deepest regret the attempt to connect this matter of disposing of the public lands with the question of slavery in any of its shapes or forms," said Dodge. . . . "As a friend of the South . . . there are few things which I so much deplore as that the South, the minority section of the Union, should engage in a war against that foreign-born population, of whom, in the days of Jefferson, and of the alien and sedition laws, and since, they were the friends and supporters." Gwin spoke of "an adroit minority fighting one measure against another, and fighting with skill; fighting the Pacific railroad and the homestead bill against each other." . . . *Cong. Globe*, 33 Cong., 1 Sess., 1195-1198.

[21] *Ibid.*, 549. Goode, of Virginia, had moved to lay the bill on the table, but the motion was voted down by the overwhelming vote of 60 to 104. Those in favor were almost entirely from the South. *Ibid.*, 548.

States, but they were all, excepting two or three,[22] from the Southwest.[23] Most of these were cast for the Kansas-Nebraska bill. About eighteen per cent. of the affirmative homestead votes came from the Northwest, and they were about equally divided on the territorial bill. Two-thirds of the affirmative New England and Eastern homestead votes went against the Kansas-Nebraska bill. Party lines on these two bills were entirely eliminated.

The real fight on the homestead bill took place in the Senate. In the House the alliance between the West, the Southwest, and the Free Soil and labor elements in the East was too much for the opponents of homestead, but in the Senate the slave interests were in control. Here centered the mighty influence of the speculators in land warrants, railroad stocks, and other interests hostile to homestead.[24] The situation which confronted the senators was very complex. First of all, there was the Kansas-Nebraska bill pending in the House. Second, the Native American movement had become so strong that many hesitated to declare themselves on a measure which affected the fortunes of immigrants.[25] Third, the approaching congressional elections reminded Southern senators that their political allies would have to answer for the conduct of their party. This consideration applied particularly to the West whose alliance the South needed to withstand the rising tide of abolitionism. Fourth, the attitude of the well-intentioned but vacillating President toward homestead was unknown. Fifth, the indigent insane bill was a source of much bickering and bargaining. And sixth, although of less importance just at this time, there was the agitation in favor of certain railroad land grants.

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[22] Va., Md., and Fla. The latter was a "new" state.

[23] Ala., Md., Ky., Tenn., La., Ark., Miss., Mo.

[24] See *N. Y. Semi-Weekly Tribune*, March 7, 1854.

[25] See Smith, *Parties and Slavery*, 114 seq. Rhodes, I., 476, points to the adoption in the Senate of an amendment to the Kansas-Nebraska bill providing that only citizens of the United States should have the right of suffrage and holding office in the territories as indicating the feeling toward foreign population. All senators but one who favored this amendment were from the slave states, and all who opposed it were from the free states, Douglas voting with Chase, Seward, Sumner, and Wade.

The question of limiting the application of the homestead bill to native Americans only was injected into the debate by its enemies in order to divide its friends. The matter was brought up in the House, but the opposition succeeded in staving it off.[26] In the Senate, however, the debate waxed hot. Southern senators were extremely angry with the Germans, many of whom had sent in petitions remonstrating against the repeal of the Missouri Compromise.[27] An amendment, introduced by Clayton, of Delaware, to strike out the provision to give rights to foreigners who declared their intention to become citizens and insert an amendment that all who were unable to enter one hundred and sixty acres of land should be paid one hundred and sixty dollars out of the federal treasury, precipitated the struggle.[28] Senator Seward, who was accused by some of hedging on the question,[29] made a strong argument against it.[30] What will be the effect if foreigners are excluded from the benefits of this bill? he asked. Foreign immigration will continue just as before and when it enters the gate it will find a discrimination against it. American citizens will go on the public lands and the aliens will remain. As a result, society will be broken into two classes, the foreigners remaining on the Atlantic coast and in the cities. This, said he, will be bad for both East and West. The West needs laborers. Agricultural labor will be high in the East because native American farmers will go West.[31] Chase's amendment to allow foreigners who had declared their intention of becoming citizens to enter one hundred and sixty acres was lost by a vote of 13 to 36.[32] The affirmative votes were all from the free States.

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[26] Amendment offered by Etheridge, of Tenn., March 3. *Cong. Globe*, 33 Cong., 1 Sess., 534, 535.

[27] See proceedings of a mass meeting of Germans at Cleveland, Ohio, presented by Chase, Feb. 28, 1854. *Ibid.*, 493. Speech of Adams, of Mississippi, April 19, in which he flays the attitude of foreigners. *Ibid.*, 944, 945. Editorial in *Daily Missouri Republican* (St. Louis, Whig), Aug. 4, 1854: "They [the Germans] are impressed with the idea, that they know more of the theory and workings of our government than those who have lived under it for seventy years; that a mission of improvement and progress has been delegated to them; that this mission can best be performed by keeping themselves apart from other citizens—by German meetings, by secret associations . . . by agitation, and by concerted action everywhere. This has produced the 'Fourth Estate' in the Republic." . . . See also editorials in the *Washington Evening Star*, March 8, 1854, and *Richmond Enquirer*, July 18, 1854, quoting the *Charleston Mercury*.

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[28] July 10. *Cong. Globe*, 33 Cong., 1 Sess., 1663-1670; July 12. *Ibid.*, 1702-1710.

[29] Wash. Corr., *N. Y. Herald*, quoted in *Weekly Argus and Democrat* (Madison, Wis.), July 25, 1854.

[30] July 12. *Cong. Globe*, 33 Cong., 1 Sess., 1708, 1709.

[31] It may be of interest in this connection to compare the policies of the United States and Canada at the present day with reference to the immigrant. During 1913 only 9% of the immigrants to the United States who had been either farmers or farm laborers in the old world went to work on farms. Says the *Chicago Tribune* for Feb. 9, 1914: "The government does not take the initiative in telling the immigrant about the opportunities on land. The aliens' advisers in the industrial centres, the foreign bankers, labor agents, saloonkeepers, on the other hand, distinctly encourage the alien to stay in the cities, where he is a source of revenue to them. . . . Canada selects its immigrants. The Canadian government has agents abroad for that purpose. It requires the alien to go to a given destination. . . . The initiative which the Canadian government takes in placing the immigrant on land, instead of allowing him to herd in the cities, adds materially to the wealth of the Dominion. Our immigration, on the other hand, adds largely to the problems of the country by crowding in our slums and adding to our exceedingly large army of criminals, paupers and insane."

Although the committee on public lands unanimously reported the homestead bill back to the Senate with a recommendation that it pass three days after it had passed the House,[33] its enemies succeeded in preventing its consideration for a long time.[34] It was not until after President Pierce had returned the indigent insane bill to the Senate with his veto, on May 3, that the homestead bill received much attention.[35] This opened up the land question.

The indigent insane bill, as it was called, had been before Congress for several years. In 1848, Miss Dorothea Lynde Dix, a woman of singularly beautiful character, presented a petition to Congress praying that five million acres of public lands should be appropriated for the benefit of the indigent insane. The apportionment was to be in proportion with their respective ratios of population among the States of the Union. Subsequently the amount of land was raised to some over twelve million acres. Miss Dix visited many States and took quarters in Washington where in a spirit of self-sacrifice truly noble she urged her cause among the legislators.[36] After many disappointments,[37] her hopes grew high when, in 1854, the bill passed Congress only to have victory snatched from her by the veto of the President.[38]

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[32] July 14. *Cong. Globe*, 33 Cong., 1 Sess., 1740. See comment in *Detroit Free Press*, July 18, 1854; *Daily Chronicle and Sentinel* (Augusta, Ga.), July 19, 1854; *Wilmington* (N. C.) *Daily Journal*, May 6, 1854; *True Democrat* (Little Rock, Ark.), Feb. 7, 1855; *Baltimore Clipper*, March 7 and 14 and May 9, 1854.

[33] March 9. *Cong. Globe*, 33 Cong., 1 Sess., 580.

[34] See *Ibid.*, 710, 711, 752-756, 930, 931.

[35] *Ibid.*, 1060 seq.

[36] Tiffany, *Life of Dorothea Lynde Dix*, Chapter XV-XVII. For Miss Dix's memorials to Congress see *Cong. Globe*, 30 Cong., 1 Sess., 875, and *Senate Miscellaneous Documents*, 31 Cong., 1 Sess., No. 118.

[37] *Cong. Globe*, 32 Cong., 1 Sess., 2236, 2466.

The West naturally feared the effect of this measure. First, it withdrew from the operation of the prospective homestead law ten million acres. Second, it turned over to "foreign" States large tracts located in Western States and Territories. And, third, the issue of a large quantity of land scrip, provided for in the bill, would result in flooding the market and lead to speculation and all kinds of jobbing and chicanery in State legislatures.[39]

Because of its close connection with the homestead bill the President's veto message demands examination. The bill provides in substance, said the President,[40] for the grant of ten million acres to the several States in the compound ratio of the geographical area and representation of said States in the House of Representatives. Where possible the land is to be chosen in the State to which it is granted; otherwise it must be granted in scrip which shall not be sold for less than one dollar per acre. The grounds of the veto were as follows: (1) It was unconstitutional, for if it is in the province of Congress to take care of the indigent insane, it must also take care of the indigent who are not insane.

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[38] The Senate passed the bill by a vote of 25 to 22, with the West and a few Southern senators opposed. March 8, 1854. *Cong. Globe*, 33 Cong., 1 Sess., 572.

[39] Speech of Senator Dodge, of Iowa, May 4, 1854. *Ibid.*, 1097. Speech of Senator Adams, of Mississippi, Aug. 30, 1852. . . . "If [Senators] expect that so large a portion of the lands lying in the new States are to be taken and divided out to the old States without any objection being offered, . . . they certainly are drawing very strongly upon the forbearance of the representatives of the new States." *Ibid.*, 32 Cong., 1 Sess., 2466. See also speech of Walker, of Wisconsin, March 3, 1853. *Ibid.*, 32 Cong., 2 Sess., 1104-1106; *St. Anthony* (Minn.) *Express*, May 21 and 25, 1852; *Iowa Sentinel* (Fairfield), May 25, 1854; *Detroit Free Press*, May 11, 1854; *The Oregon Statesman* (Salem), June 27, 1854; *Minnesota Pioneer*, Sept. 23, 1852.

[40] May 3, 1854. Richardson, *Messages and Papers*, V., 247-256.

(2) It violates the cession agreement. (3) It violates the Act of Jan. 28, 1847, which pledges the public debt to a loan. (4) There is no difference between the distribution of the public lands and the distribution of revenue derived from their sale. "The whole field of public beneficence is thrown open to the care and culture of the Federal Government."

Many newspapers throughout the country, but mainly those opposed to homestead, professed to interpret the message as a threat to veto the homestead bill.[41] As one editor put it, Congress has as much right to give away lands to the insane as to those in the enjoyment of their reason.[42] Western papers approved the veto and did not consider it an augury of the fate of homestead.[43] The Washington *Union* [44] which was supposed to be on the "inside" and which had supported the homestead bill, commenting on the veto, stated that the principles in the message were laid down with an eye to the particular bill, and that it was neither the purpose nor the province of the President to go outside the bill to promulgate sentiments which might embarrass or influence the action of Congress on other measures. It would be rash, continued the editorial, to declare that because the President cannot approve a bill appropriating land for a purely eleemosynary purpose, he cannot approve one which grants his homestead to the hardy pioneer. The Constitution forbids the donation of public lands, but there is much room for doubt, the editorial concluded, whether the same principles stand in the way of a bill which, whilst it diminishes the aggregate quantity of public lands, yet does not diminish their aggregate value. This editorial may or may not have been "authoritative," but it seems quite certain that Pierce made it quite apparent that he would not sign a homestead bill.[45] Be that as it may, the Southern leaders chose a less spectacular method of defeating it.

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[41] *Evening Star* (Wash., D. C.), May 4 and 8, 1854; Philadelphia *North American*, May 12, 1854; *National Intelligencer*, May 5, 1854; *Richmond Enquirer*, July 10, 1854; *Charleston Courier*, May 3 and 9 and July 17, 1854; *Republican Banner and Nashville Whig*, May 11 and 17, 1854, etc., etc. *The Nashville Union and American*, quoted in *Ibid.*, May 11, 1854, regretted that the President had gone beyond his necessities in the veto and had announced a general principle which could not be indorsed by a large portion of the Democratic party. It thought it barely possible that the message might be misunderstood and that he would sign the bill.

[42] *Daily Louisville Times*, May 12, 1854.

[43] *Keokuk* (Iowa) *Dispatch*, May 16, 1854; *Iowa State Gazette* (Burlington), May 20, 1854; *Minnesota Daily Pioneer*, May 17, 1854; *Detroit Free Press*, May 12, 1854.

[44] May 10, 1854. Compare editorial in *Charleston Mercury*, quoted by *Richmond Enquirer*, July 18, 1854.

After the arrival of the veto message several efforts were made to take up the homestead bill, but the Southern leaders succeeded in thwarting them by postponing the consideration of the veto from time to time.[46] On the 6th of July the bill failed to pass over the veto by a vote of 21 to 26, the administration senators quite generally supporting the President.[47] After a few more attempts to shelve the homestead bill,[48] the Southern leaders decided to introduce a new bill under the guise of a homestead bill, but in reality no homestead bill at all. This was Hunter's substitute.

On July 10th Senator R. M. T. Hunter, of Virginia, asked and received unanimous consent to introduce a bill "to graduate the price of the public lands, and for other purposes." [49] Knowing that the committee on public lands was favorable to a real homestead bill, Hunter asked that the bill lie on the table. Seven days later Stuart, of Michigan, who had been one of the foremost critics of the attitude of the Southern senators toward Dawson's bill, offered Hunter's bill as a substitute for it.[50] As amended and passed, this bill provided for the graduation of price from one dollar per acre for lands which had been offered for sale five years to twelve and one-half cents per acre for those in the market thirty years.[51] The States might preempt lands at graduated prices for purposes other than railroads and canals, and they might fix prices above the graduated prices and keep the excess. When a State chartered a railway or canal through the public lands, by application of the State legislature to the Secretary of the Interior he must set aside 7,680 acres per mile of railway or canal within twelve miles of each side. Free whites over twenty-one years of age, or heads of families, were allowed to enter one hundred and sixty acres of land subject to private entry, and after five years' residence might purchase it at twenty-five cents per acre, or if the land had been in the market over twenty years, at twelve and one-half cents per acre. Actual settlers might purchase their "claims" at any time during the five years at the regular graduated price. The friends of homestead objected to the introduction of a new bill so late in the session and pleaded for a test vote on the original bill but all in vain.[52] After all sorts of attempts to kill the

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[45] This question was discussed in the debates on the veto and the homestead bill.

[46] See *Cong. Globe*, 33 Cong., 1 Sess., 1082-1089, 1194-1198, 1330, 1369, 1428, 1460.

[47] *Ibid.*, 1681.

[48] July 10, Brodhead, of Pennsylvania, moved to postpone the bill until next December, but the motion was negatived 18 to 22. *Ibid.*, 1681-1682. On July 14th an amendment to confine the bill to "free whites" was carried 27 to 16, with Northern and some Western senators in the negative. *Ibid.*, 1740-1744.

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[49] *Ibid.*, 1686.

[50] July 17. *Ibid.*, 1769, 1770.

[51] *Ibid.*, Ap. 1128, 1129.

[52] July 17. Speeches of Gwin, of California, and Bright, of Indiana. *Ibid.*, 1770, 1771.

Hunter bill had been made, including motions to lay on table and nonsensical amendments,[83] the bill passed 36 to 11 on July 21st.[84]

The motives back of Hunter's action are not difficult to understand. Not being able to prevent some sort of a vote on a homestead bill without alienating the Northwestern Democracy, Southern leaders devised a rather skillfully disguised substitute. Pierce could not veto Dawson's bill without weakening an already unpopular administration and he could not sign it without wrecking it.[85] It was an attempt to smear the issue and in some quarters this was frankly admitted. "An executive veto might have postponed the passage of the homestead bill, but its ultimate triumph was inevitable beyond any contingency of Presidential opposition," declared the *Richmond Enquirer*.[86] There were some features of Hunter's bill which this paper could not approve, but it was "avowedly an expedient, by which a measure of great and unmixed evil is defeated and suspended by a measure which asserts no pernicious principle, and which atones for necessary imperfections by indisputable and essential advantage." According to this paper, Hunter "parried the blow," and without any sacrifice of principle or consistency, attached the Democracy of the Northwest to the interests of the South by the strongest obligations of gratitude.

The Southern press in the main re-echoed the sentiments of the *Enquirer*.[57] The *Portsmouth* (Va.) *Globe*[58] rejoiced that it would "create a bond of fraternal feelings between the Southern and Western States, which may laugh to scorn the mad ravings of Northern fanaticism, and bid defiance to all their wicked attempts to destroy the peace and arrest the prosperity of our beloved country."

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[83] July 18. Brodhead's amendment to fix price of lands at 50 cents per acre lost 23 to 27. *Cong. Globe*, 33 Cong., 1 Sess., 1792. July 19, the motion to lay bill on table was lost 24 to 27. *Ibid.*, 1819. Hunter voted in the affirmative, showing that he was not sincere in introducing his substitute. On July 20, various filibusters were attempted. *Ibid.*, 1828, 1833.

[84] *Ibid.*, 1844.

[85] See an able editorial in the *Republican Banner and Nashville Whig*, July 29, 1854. See also *Boston Evening Traveller*, July 22, 1854.

[86] July 28, 1854.

Not all Southern editors, however, were pleased with Hunter's manœuver. The *Richmond Examiner*[59] admitted that the question was perplexing and that Western Democrats would not have stood firm, but saw no reason why the South should back out. "If every Democrat in the Senate, or in the round world, voted for the new Homestead, that would not make 25 cents per acre, payable in five years, from foreign and native squatters on the public domain, produce a remunerative fund for the common benefit of all the States. It is a sham sale. . . . It gives up the kernel, and the next thing they will be taking away from us the shell." There was some opposition in Virginia where the Whigs, or rather distributionists, considered it a blow to their favorite measure.[60]

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[57] A few of the representative comments are cited: *North Carolina Standard*, Aug. 2, 1854; *Louisiana Courier*, July 20, 1854; *Savannah Daily Georgian*, July 19, 25, 27 and 28, 1854; *Daily Louisville Times*, July 29, 1854; *Charleston Mercury* and *Norfolk Argus*, quoted in *North Carolina Standard*, Aug. 9, 1854; *Floridian and Journal*, July 29, 1854; *Columbus* (Miss.) *Democrat*, Aug. 12, 1854; *Washington Sentinel*, quoted by *Richmond Enquirer*, July 27, 1854; *Baltimore Sun*, July 22, 1854; *Daily Union* (Washington), July 22 and Aug. 12, 1854.

[58] Quoted in *Richmond Enquirer*, July 21, 1854.

[59] Quoted in *North Carolina Standard*, Aug. 9, 1854. See also *Daily Chronicle and Sentinel* (Augusta, Ga.), Aug. 16, 1854; *Petersburg* (Va.) *South Side Democrat*, quoted in *North Carolina Standard*, Aug. 5, 1854; *Baltimore Clipper*, July 24, 1854; *National Intelligencer*, July 20 and 24, 1854.

[60] *Richmond Enquirer*, Aug. 5 and Sept. 9 and 11, 1854; *Harrisonburg* (Va.) *Valley Democrat*, quoted in *Ibid.*, Aug. 1 and Sept. 26, 1854; *Richmond Examiner*, quoted in *Ibid.*, Sept. 21, 1854.

The substitute was very acceptable to the Southwestern States because it gave them an advantage over the Northwest, since it was not applicable to any other than surveyed lands and those in the market, most of the lands in this section having been in the market fifteen years and a great many still longer so that they would be open to settlement cheaper than in the Northwest.[61]

The Hunter substitute was a bitter pill but the friends of a real homestead bill swallowed it and voted for it on its final passage on the ground that it was the only bill that faintly resembled a homestead measure that could pass at this session.[62] To the politicians whose political fences needed fixing it was a welcome relief. It was rumored in some quarters that the bill laid the foundations for Hunter's forth-coming candidacy for the presidency.[63] Douglas, whose motives in introducing the Kansas-Nebraska bill have been attacked, exhibited a certain shiftiness in connection with the homestead measure. Early in the session he fought the efforts to postpone the consideration of the House bill, declaring it a "measure of such transcendent importance, that we ought to give it a preference,"[64] but when the opposition grew stiffer he showed signs of hedging[65] until finally he pronounced the substitute "entirely satisfactory," and even went so far as to assert that it embodied the principle of the House bill "with a very slight modification."[66] Douglas had his eye on future Democratic conventions and had no desire to throw away his political chances by fighting such a formidable combination as the Southern senators had built up against homestead.[67]

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[61] See letter of Senator R. W. Johnson, of Arkansas, to the *True Democrat* (Little Rock), Aug. 16, 1854; *Ibid.*, July 26, 1854.

[62] Speeches of Senators Shields (Ills., Dem.) and Chase (Ohio, Free Soil), July 21. *Cong. Globe*, 33 Cong., 1 Sess., 1843, 1844; *New York Semi-Weekly Tribune*, July 21 and 25, 1854.

[63] Wash. Corr., *Charleston Courier*, Aug. 7, 1854.

[64] *Cong. Globe*, 33 Cong., 1 Sess., 758.

[65] May 3. *Ibid.*, 1067-1070.

[66] July 21. *Ibid.*, 1843.

Representative Dawson and the friends of his bill were indignant at the treatment it was accorded in the Senate. They refused to accept the substitute and the House refused to consider the homestead bill any further.[68]

The defeat of the homestead measure was a heavy disappointment to the West and unquestionably lost the Democratic party many supporters. The South, in a sense, had "parried the blow" by granting the form for the substance but, after all, it was not difficult for Republican leaders to make it plain that but for the Southern wing of the Democratic party the House bill would have passed. The Southern senators, acting in the interest of their section, chose the lesser of two evils: it was a question of whether they should give their votes for a homestead bill which would gain for them the gratitude of the West and at the same time throw away all hopes of securing at least a part of that section for slavery, or whether they should hold out and tack against the breeze of popular sentiment. The position of the dominant faction of the Democratic party was by no means happy. How could any body of men after days and weeks of worry and all night sessions be expected to throw away the fruits of victory in the struggle over the Kansas-Nebraska bill by enacting a homestead law which was sure to bring it all to naught? Sometimes a party or organization by pursuing what at the time appears to be a suicidal policy and suffering temporary losses makes it all back in the end. As it fell out, it was not until eight years later—after the Southern members had withdrawn from Congress—that a homestead law was put on the statutes. No man could accurately predict what happened as a result of the Kansas-Nebraska bill—the break-up of the Democratic party, emigrant aid societies, and the border wars.

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[67] See the comment of the Washington correspondent of the Philadelphia *North American*, July 17 and 19, 1854, on the conduct of Douglas and Cass. See also Wash. Corr., *Detroit Free Press*, July 6, 1854.

[68] July 31. *Cong. Globe*, 33 Cong., 1 Sess., 2094; August 2. *Ibid.*, 2071, 2076; Aug. 3. *Ibid.*, 2104, 2105. In a long and able letter to the editor of the Washington *Union* (Aug. 6, 1854) Mr. Dawson explains his attitude and that of his friends toward the Hunter bill. He says it is a bill for the benefit of the states and railroads and that the privilege to actual settlers to purchase lands at twenty-five cents an acre is encumbered and narrowed and restricted by the privileges conferred upon the states of pre-empting the whole of the public lands within their limits and also by privileges conferred upon railroad corporations, or wealthy contractors, etc. In conclusion, he calls upon an enlightened public opinion to speak out, in tones bold and loud, like that which sustained Cobden in his opposition to the lords (which he in another place compares to the Senate).

The South and the opponents of cheap lands did succeed in defeating homestead, but they could not prevent the enactment of a graduation law. This measure had been before Congress since Benton introduced his first bill in 1826 and it became especially important after 1846 when the homestead measure became a matter for congressional consideration. From about 1848 Representative W. R. W. Cobb, of Alabama, had stood sponsor for the bill. In January, 1854, Cobb introduced graduation as a part of a homestead bill, but later he introduced it separately.[69] The bill passed the House by 83 to 64 on April 14,[70] after several close votes had been taken, including one to lay the bill on the table which was defeated only by the narrowest margin.[71] In the Senate the bill was crowded out and was not taken up for consideration until four days before final adjournment when it was seen that the House would not act on the Hunter substitute.[72] Senator Chase tried to substitute the homestead for Cobb's bill, but later withdrew his amendment and the graduation bill passed by a *viva voce* vote.

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[69] Jan. 13. *Cong. Globe*, 33 Cong., 1 Sess., 169; April 11 and 12. *Ibid.*, 894, 895, 909 seq.

[70] *Ibid.*, 918.

The bill provided that lands, with certain exceptions, including those granted to States for railways or internal improvements, or mineral lands, which had been in the market over ten years, should be sold at one dollar per acre, fifteen years at seventy-five cents, twenty years at fifty cents, twenty-five years at twenty-five cents, and thirty years at twelve and one-half cents.[73] The right of pre-emption to these lands was granted under certain regulations. A person applying to enter such lands was required to make an affidavit that he entered it for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation owned by or occupied by himself, and that he had not acquired under the act more than three hundred and twenty acres.

On the votes in the House there was a great deal of dodging on the part of members who apparently did not want to go on record, but on the final passage the negatives are made up almost entirely of Eastern and Southern votes. Most of the negative votes from New York, Pennsylvania, and Kentucky had been cast in the affirmative for homestead. Considerably over half of the affirmative graduation votes had been affirmative on homestead. The Western and Southwestern members went strongly for it, and practically all who did not vote for it failed to vote at all.[74] The attitude of the South, as recorded in the vote, was that of almost unbroken hostility.

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[71] April 13. *Ibid.*, 917. The vote on engrossment for the third reading was 79 to 68. *Ibid.*, 917.

[72] Aug. 3. *Ibid.*, 2203-2204. The bill passed Aug. 4. *Ibid.*, 2204.

[73] *Statutes at Large*, X., 574.

The bill was most vehemently opposed by Greeley who regarded it as a measure of deadly hostility to the homestead bill, in that it favored the absorption of the lands in large tracts by extensive proprietors. In an editorial in answer to the author of the bill who wrote in its defense, Greeley predicted accurately the frauds that were sure to be perpetuated under it.[75] A few months' trial convinced Cobb that Greeley was right, and he suggested an amendment to remedy the defects.[76] The act was productive of fraud and perjury. Persons took the prescribed oath that they were entering land for occupancy with the mental reservation that the land would be required for actual settlement and cultivation at some future time.[77] Others employed men to make the affidavits for them. Another defect was the difficulty of classifying land according to price, because lands in several parts of the same township had been offered for sale at different times. Instead of increasing the revenue from the sale of public lands, as many anticipated, the effect was the very opposite. The sales became confined largely to lands graduated to the two lowest price levels, while those held at the minimum price of $1.25 per acre were entered almost exclusively with land warrants.[78]

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[74] *New York Semi-Weekly Tribune*, April 18, 1854.

[75] *N. Y. Semi-Weekly Tribune*, April 21, 1854. See also *Ibid.*, April 14 and 18, 1854. Strange as it may seem, Greeley favored the indigent insane bill.

[76] Dec. 26, 1854. *Cong. Globe*, 33 Cong., 2 Sess., 132.

[77] Report of the Commissioner of the General Land Office, Nov. 30, 1854. *Senate Executive Documents*, 33 Cong., 2 Sess., Vol. I., 81 seq.; Report of the Secretary of the Interior. Nov. 29, 1856. *Ibid.*, 34 Cong., 3 Sess., Vol. II., 175.

The graduation measure furnishes another example of the complex nature of the public land question and the difficulty of framing laws to meet conditions and to avoid loop-holes for the perpetration of fraud.

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[78] Report of the Commissioner of the General Land Office. Nov. 30, 1859. *Senate Documents*, 36 Cong., 1 Sess., Vol. I., 195, 196. See also Report of the Secretary of the Interior. Dec. 1, 1859. *Ibid.*, I., 99.

CHAPTER XIII

THE HOMESTEAD BILL IN CONGRESS, 1860

AFTER 1854 the United States was a house divided against itself and the policy of the South for the next two or three years was simultaneously to consolidate the slave States and to conciliate the Northwest.[1] "The Northern Whig party is now completely sectionalized," . . . declared the *Richmond Enquirer*,[2] shortly after the adjournment of Congress in 1854. "We will not deny that a portion of the Northern Democrats, especially in the Eastern States, have free-soil tendencies," it continued, "but we affirm without fear of successful contradiction, that the only chance of uniting a party sufficiently strong to control the Union according to constitutional principles, is the alliance of the South with the Northern Democracy, particularly in [sic] the Northwestern Democracy, which has stood so true to us in the Nebraska struggles. There or nowhere, are the allies, with whom we must fight the battle for Southern rights and the Constitution. The free-soilers of the Northeast see this, and they court the Northwest by voting for every scheme, however unconstitutional, which is popular with them and serves to divide the Democratic Republican party. And now, when we can settle this *great land question*,[3] on which the Northwestern States are so deeply interested, and which concerns our own Southwest yet more deeply—when we can settle it without any real sacrifice on our parts, and strictly in conformity to the letter of the Constitution, and thus bind these States to our alliance by the bonds of gratitude and of interest, shall we reject the chance? . . ." Over a year later when the fire of sectionalism was burning still more fiercely this same paper[4] declared that "the circumstances of our situation clearly indicate, that preparation for disunion is the only means to avert disunion. A speedy connection with the Ohio, the Northwest and the Mississippi valley, by means of the Centre and Covington Road will render us wholly independent of the Northeast, attach the Northwest indissolubly to the South, and in the event of disunion, cast the numerical strength and almost all the agricultural wealth of the Union into the scale of the South." . . .

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[1] For evidence that the South was courting the Northwest see Dodd, *The Fight for the Northwest, 1860*, *American Hist. Rev.*, XVII, 774-788. According to this writer the South gave up the fight to control the Northwest after the results of the campaign of 1858 became known.

[2] Sept. 9, 1854.

These words are quoted from perhaps the most influential paper in the South at this time, and there is evidence to show that if the Southern leaders had tempered their words and made reasonable concessions, especially in land legislation, the Northwest might have welcomed an *entente cordiale*.[5]

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[3] The italics are mine.

[4] *Richmond Enquirer*, Dec. 18, 1855.

[5] A sentiment favorable to the South is noticeable in several Western papers. I shall try to make this point clear as the discussion proceeds. See also Dodd, *The Fight for the Northwest, 1860*. Dec. 19, 1860, the *Weekly Council Bluffs* (Iowa) *Bugle*, in response to a communication advocating in the event of the secession of the Southern states that Iowa should secede and join the confederation of states between the Mississippi River and the Pacific Ocean, stated that it was inclined to agree with the proposition, but only as a last resort. The editor said he was very willing to see Massachusetts and Vermont secede. "Had all the New England states seceded [at the time

The South was the only section which had a strong national political party in which its influence was concentrated. After 1854 the Democratic party was virtually supreme in the South and it controlled not only the legislative branch of the federal government but the executive and judicial departments as well. The Native American movement, although of some consequence in the South, was rather a source of strength because it hampered the effectiveness of the purely sectional Republican party. And so far as the homestead bill was concerned, the Southern Democrats and the Know-nothings were one. The contest over the speakership in Congress in 1855-56 and 1859-60 shows how much power a solid "*bloc*" can wield even though its members are in the minority.

It was unfortunate for the South that a measure which meant so much to the Northwest as did the homestead bill should have been before the country when the South could so ill afford to grant it. The Democratic party, in spite of the disastrous effects of the Kansas-Nebraska bill in

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of the annexation of Texas]," he said, "it would have been better still." See *Minnesota Pioneer*, May 27, 1852. The editor of this paper deplored the fact that the South was not reciprocating the good feeling that the Northwest had always shown for the South. "The great Northwest," said he, "anxiously waits to know, if the South really intends to spurn us with haughty contumely." See also speeches of Phelps and Cavanaugh, of Minnesota, Jan. 20, 1859. *Cong. Globe*, 35 Cong., 2 Sess., 502-506. "I, sir, have inherited my Democracy; have been attached to the Democratic party from my boyhood; have believed in the great truths, as enunciated by the 'fathers of the faith,' and have cherished them religiously, knowing that, by their faithful application to every department of the Government, this nation has grown up from struggling colonies to prosperous, powerful, and sovereign States," declared Cavanaugh. "But, sir, when I see Southern gentlemen come up, as I did to-day, and refuse, by their votes, to aid my constituents, refuse to place the actual tiller of the soil, the honest industrious laborer, beyond the grasp and avarice of the speculator, I tell you, sir, I falter and hesitate." *Ibid.*, 505.

Kansas, continued to hold its own fairly well in the Northwest. But the fact that the South was in control of a party which time after time had failed to pass a homestead bill was a spot which no amount of campaign oratory could erase.

For five years the grip of the South on the national legislature was so strong that neither house passed a homestead bill.[6] During this time violent debates raged around the Kansas troubles, the Lecompton constitution, the assault upon Sumner, and the slavery struggle in general. However, as the Republican movement gained momentum, the measure was pressed more vigorously until, on February 1st, 1859, it passed the House by a vote of 120 to 76,[7] and in the Senate the opposition succeeded in shelving it only by the casting vote of Vice-president Breckinridge.[8] In the House only seven negative votes came from the free States and only five affirmative from the slave States. Sixty Democrats, fifteen Americans, and one Republican were in the negative and thirty-eight Democrats and eighty-two Republicans voted affirmatively. In the Senate[9] the votes to postpone the bill were all Democratic, and all but seven[10] were from the slave States. The negatives included eighteen Republicans, nine Democrats,[11] and one American.[12] The fact that seven of the Democratic votes were from the West shows how necessary it was for the South to be considerate of the West if it hoped to maintain its ascendancy in the federal government.

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[6] May 24, 1858, the Senate voted to postpone the homestead bill 25 to 19, all Republicans, with the exception of Bell (Tenn.), Broderick (Cal.), Johnson (Tenn.), and Stuart (Mich.) in the negative. *Ibid.*, 35 Cong., 1 Sess., 2353. May 27, the bill was postponed until January next by a vote of 30 to 22. *Ibid.*, 2424-2426. June 14, Andrew Johnson tried to have the vote reconsidered, but failed. *Ibid.*, 3043-3044.

[7] *Ibid.*, 35 Cong., 2 Sess., 725-727.

[8] Feb. 17. *Ibid.*, 1074-1076. The vote stood 28 to 28. Sanborn, *Some Political Aspects of Homestead Legislation*, *Am. Hist. Rev.*, VI., 32, 33; Sanborn, *Railroad Land Grants*, 56, 57; Terry, *Die Heimstättengesetz-Bewegung. Deutsch-Amerikanische Geschichtsblätter*, Jahrgang 3, Heft 3, p. 8 seq.

[9] *Cong. Globe*, 35 Cong., 2 Sess., 1076.

[10] Allen (R. I.), Bates and Bayard (Del.), Bigler (Pa.), Fitch (Ind.), Gwin (Cal.), and Lane (Ore.).

In 1854 the homestead bill was placed in direct rivalry with the slavery issue on the Kansas-Nebraska bill and in this session the issue was intensified by the bill for the purchase of Cuba. The friends of the latter measure tried to push it to a vote while its opponents tried to prevent it and used the homestead bill to effect their purpose. There was a long wrangle over the question of taking up the rival bills.[13] Democratic senators, like Douglas, Andrew Johnson, and Rice, of Minnesota, who tried to steer a middle course, stated that by insisting on the homestead bill in preference to the Cuban bill, the friends of both bills would be antagonized and the passage of the former would be endangered. Republican senators, on the other hand, demanded the assurance of a vote on the homestead bill as a price of permitting a vote on the Cuban bill. This the Democrats refused to give. "We stand upon the good old Democratic doctrine of opening the Territories of the West as homesteads for the free white men of this country," said Senator Doolittle,[14] of Wisconsin, "and so far as the other question which is now pending is concerned, the Cuban policy, it is altogether too narrow and too contracted to meet with the Republican policy. Sir, we propose to the people of this country a policy which looks towards opening the free Territories of the West as homesteads for the white men, and the whole of Central America, the whole of the intertropical regions of this continent, as homesteads for the free colored population of the United States." When Senator Toombs, of Georgia, branded the advocates of homestead demagogues, Wade,[15] of Ohio, replied: "I am very glad, too, that this question has at length come up: I am glad, too, that it has been antagonized with this nigger question. [Laughter.] We are 'shivering in the wind,' are we, sir, over your Cuba question? You may have occasion to shiver on that question before you are through with it. Now, sir, I have been trying here for nearly a month to get a straightforward vote upon this great measure of land to the landless. I glory in that measure. It is the greatest that has ever come before the American Senate, and it has now come so that there is no dodging it. The question will be, shall we give niggers to the niggerless, or land to the landless? [Applause in the galleries.]" The Ohio senator's blunt, laconic phrase, "niggers for the niggerless, or land to the landless," was an accurate statement of the issue.

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[11] Bright (Ind.), Broderick (Cal.), Douglas (Ills.), Houston (Tex.), Johnson (Tenn.), Pugh (Ohio), Rice (Minn.), Smith (Ore.), and Stuart (Mich.).

[12] Bell (Tenn.).

[13] Feb. 25, 1859, *Cong. Globe*, 35 Cong., 2 Sess., 1336, 1351-1363.

[14] *Ibid.*, 1351.

In the Congress which convened the following year (1859) the Democrats had a clear majority of eleven in the Senate and in the House there were one hundred and nine Republicans, eighty-eight administration Democrats, thirteen anti-Lecompton Democrats, and twenty-seven Americans.[16] So strong was the sectional feeling that the House was unable to elect a speaker until February 1, 1860.

On the fifteenth of February, Galusha A. Grow, of Pennsylvania, introduced a homestead bill[17] which was referred to the committee on agriculture, from which committee Lovejoy, of Illinois, chairman, reported it back on March 6th.[18] Lovejoy moved to refer it to the committee of the whole and he notified the House that he would move to reconsider the vote by which it might be referred. He said that his purpose was to put the bill in such a position that it could be taken up when the House was not too much engrossed. There was objection to this course by the opponents of homestead who charged that his purpose was to shut off debate. It was moved, after the bill had been referred to the committee of the whole, to lay the motion to reconsider on the table, but the motion was voted down 68 to 115 and Lovejoy's motion to reconsider was entered on

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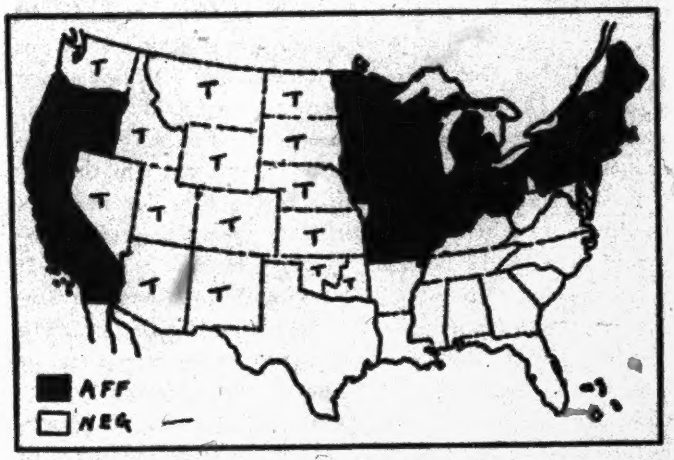
[15] *Ibid.*, 1353, 1354.

[16] Rhodes, II., 417, 418. All but four of the Americans were from the South.



HOUSE VOTE ON HOMESTEAD BILL, MARCH 12, 1860. NON-VOTING DISTRICTS IN STATES CASTING ONE OR MORE VOTES NOT INDICATED the journal.[19] Six days later, Lovejoy called up the motion to reconsider and moved the previous question which was decided in the affirmative 106 to 67.[20] Immediately he moved that the bill be engrossed and read a third time on which he called the previous question. Before the motion was carried Branch, of North Carolina, tried unsuccessfully to have the bill laid on the table. Lovejoy then demanded the previous question on the passage of the bill which was carried 115 to 66. All debate was shut off. The friends of homestead in the House knew they had an overwhelming majority and they did not intend to allow a long debate which could only result in sectional bickering. There is no need to recount the details of the vote; the map speaks louder than words. Only one affirmative vote came from a slave State (Missouri) and but two negatives from the free States (Pennsylvania and Delaware). The Republicans voted *en masse* in the affirmative—they were manufacturing campaign ammunition.

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[17] *Cong. Globe*, 36 Cong., 1 Sess., 795.

[18] *Ibid.*, 1014, 1015.

When the House bill reached the Senate,[21] Andrew Johnson had already introduced a homestead bill,[22] but its consideration had been postponed from time to time.[23] A little over a week after its introduction, Johnson, from the committee on public lands, reported the House bill back to the Senate with the recommendation that the Senate bill be substituted for it.[24] Grow's bill was much more liberal than Johnson's. The former extended privileges to all persons who had filed their intention of becoming citizens; the latter was confined to those already inhabitants and denied the benefits to those who might come into the country subsequent to its passage. The House bill applied to any person over twenty-one years of age; the Senate bill to heads of families only. The former included all lands subject to pre-emption; the latter confined itself to lands subject to private entry and to alternate sections. In making his report Johnson stated that no bill containing the provisions of the House bill could pass the Senate and, therefore, suggested that all friends of homestead should make the best of the situation and take what they could get.[25]

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[19] *Ibid.*, 1015.

[20] March 12, 1860. *Ibid.*, 1114, 1115.

[21] March 13. *Ibid.*, 1117.

[22] Dec. 20, 1859. *Ibid.*, 53, 190.

[23] *Ibid.*, 874, 949, 1021, 1047, 1048.

[24] March 22, 1860. *Ibid.*, 1292, 1293. The House bill is printed in *Ibid.*, 1508, and in *Senate Journal*, 36 Cong., 1 Sess., 445-447.

The debate was, as usual, sectional with a strong political flavor due to the approaching conventions. The opponents of homestead tried hard to shove the bill aside[26] and to introduce amendments designed to drag out the discussion, but the Republicans showed skill in parliamentary and political manœuvers. The friends of homestead had succeeded, in spite of vigorous opposition, in postponing the consideration of the Senate bill with the understanding that the House bill should receive consideration.[27] In that way they got the bill before the Senate, even though the committee did, as we have seen, recommend that the Senate bill should be substituted.

The South used as its main weapon of attack the argument that the bill was an abolition measure, a bonus to induce men to immigrate to the new Territories on condition that aid societies should pay their expenses to get there.[28] Doolittle, of Wisconsin, frankly asserted that homestead would people the Territories with free white men and prevent their "Africanization through the introduction of negro slaves."[29] The adoption of this policy, said he, would tend to bring on a "final settlement of the whole negro question." A statement of this kind was eagerly seized upon by the "fire-eating" senators of the type of Mason, of Virginia, and Wigfall, of Texas. The former called Andrew Johnson's attention to the fact that the measure was a "struggle for empire and was supported by a party calling itself the Republican party which has only one principle of cohesion—opposition to the condition of slavery."[30] Johnson deplored the fact that Doolittle and Mason had brought in slavery in connection with homestead because there was no connection. Just because the Republican party supported the homestead bill, he argued, there was no reason why the Democrats should not. He claimed it was a Democratic measure and that the Republicans had shown their sagacity by embracing it.[31] With this Wigfall took issue.[32] He denied it was a Democratic measure. What right had Johnson to say it was a Democratic measure when the Democrats were against it? he demanded. "The Republicans had made it a part of their platform," he exclaimed, "and yet when they are telling us that it is a measure which is eminently calculated to cut our throats, and we believe that they are at least telling the truth in that, the Senator from Tennessee complains that we are not willing to sit

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[25] *Cong. Globe*, 36 Cong., 1 Sess., 1297 seq.

[26] April 5. *Ibid.*, 1548-1551; April 9. Ibid., 1619, 1620.

[27] March 13. *Ibid.*, 1119, 1120; April 3. *Ibid.*, 1506-1508.

[28] April 5. Speech of R. W. Johnson, of Arkansas. *Ibid.*, 1550, 1551.

[29] April 10. *Ibid.*, 1632. Doolittle also stated that it would emancipate the poor non-slaveholding class of whites in the South from the control of capital. *Ibid.*, 1631.

[30] April 10. *Ibid.*, 1635 seq.

[31] April 11. *Ibid.*, 1650-1654.

[32] *Ibid.*, 1656-1659. A few days before Wigfall had asserted that homestead was an electioneering trick of the Republicans to appeal to the foreign population. April 4. *Ibid.*, 1537. Johnson, of Arkansas, and Johnson, of Tennessee, also accused the Republicans of making political capital out of it. March 29. *Ibid.*, 1497.

down and have our throats cut quietly, because, Tennessee, forsooth, in eighteen hundred and forty sometime or other, introduced the measure through her member [himself] of the other House." These frank statements were exceedingly embarrassing for the Democratic senators from the West. Pugh, of Ohio, denied that it was a party measure and said that the Republicans supported it because it was popular.[23] Douglas, who at this time was between two fires, did not think that the slavery question ought to have been grafted onto it, and expressed the hope that the measure would come to a speedy vote.[24] Senator A. O. P. Nicholson, of Tennessee, who represented a "compromise area," took middle ground.[25] He did not fear an extensive exodus from the old States because the comforts of the old civilization and the hardships of the new would deter many from migrating and the provisions of the Senate bill safeguarded the interests of the old States. "I therefore discard all sectional considerations, as entitled to no legitimate influence in deciding upon the merits of the measure," said he. "If men opposed to the institution of slavery avail themselves of its benefits, they will certainly be no more opposed to it on their farms in the far West, than in the localities from which they may emigrate. I cherish the confident belief and hope that the emigrants, when withdrawn from constant contact with professional agitators in the crowded towns and cities, and when removed from the influence of that mysterious susceptibility to excitement observable in dense populations, will become liberalized, and be taught moderation and conservatism in their new homes."

Several amendments were introduced by Southern senators designed to embarrass or to modify the bill. Clingman, of North Carolina, moved to strike out the original bill and substitute for it a bill which provided for the issue of warrants donating one hundred and sixty acres of land to every citizen and head of a family.[36] Wigfall,[37] of Texas, and Clement C. Clay,[38] of Alabama, introduced amendments providing for the cession of the public lands to the States in which they were situated. In addressing the Senate on his amendment, Wigfall took up the statement, made by Senator Nicholson, that the homestead bill would attach people to the federal government because they would be grateful to it, and declared that this was just what was undesirable; he did not want people to become attached to the federal government.[39] The States, he said, ought to administer the public lands.

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[23] April 4. *Cong. Globe*, 36 Cong., 1 Sess., 1553 seq; April 11. *Ibid.*, 1656, 1657.

[24] April 11. *Ibid.*, 1660.

[25] March 19. *Ibid.*, 1919-1923.

The provisions in the Senate bill which denied its benefits to aliens who might come into the country subsequent to its passage and confined itself to lands subject to private entry and to alternate sections hit the West hard and were very odious to Republican senators from that section.[40] Wilkinson,[41] of Minnesota, said the Republicans did not want homestead to be a party measure, but if the Democrats opposed it on sectional or party grounds, his party was ready to meet them. It would then go on record, said he, that the Democratic party defeated and resisted a liberal homestead bill. He protested that the Senate bill was not liberal enough. Confining homestead entries to alternate sections, or to lands open to private entry, he said, would scatter population and induce speculation. He also insisted that foreigners ought to be given the same privileges they had under the pre-emption law. Doolittle,[42] of Wisconsin, said that the people of his State were almost unanimous in favor of homestead[43] and that he supported the present bill because it would be followed by another enactment which would withhold from sale all public lands until they shall have been opened for settlement for a long time.[44]

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[36] March 19 and 22. *Ibid.*, 1219, 1293-1295.

[37] April 11. *Ibid.*, 1656.

[38] April 9. *Ibid.*, 1619.

[39] April 11. *Ibid.*, 1658, 1659. Andrew Johnson was much opposed to cession. He said it was brought forward to antagonise homestead. *Ibid.*, 1654.

[40] *St. Peter Tribune*, May 2, 1860.

[41] April 2. *Cong. Globe*, 36 Cong., 1 Sess., 1508-1512.

The course of the homestead bill in the Senate can not be understood without keeping in mind the fact that the atmosphere of Washington was surcharged with politics. Two threatening clouds hung low on the horizon—the Democratic convention to meet at Charleston, April 23rd, and the Republican convention at Chicago, May 16th. The Republican senators were handling the situation with the confidence of men who knew their antagonists were on the defensive. The Democrats, on the other hand, were showing signs of worry and dissension.[45] The vulnerable point in the Democratic line of defense was the Western, and especially the Northwestern wing. Men like Rice, of Minnesota, Douglas, of Illinois, Latham, of California, and Pugh, of Ohio, put their own political lives and their State parties in jeopardy by obstructing a reasonable homestead bill. The large number of German voters in their section were in no mood to be trifled with after their experiences with Know-nothingism. There were men in the "Cotton Kingdom," like Toombs,[46] of Georgia, and Clay,[47] of Alabama, who were willing to yield a point on principles of political expediency, if for no other reason.

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[42] April 10. *Cong. Globe*, 36 Cong., 1 Sess., 1631.

[43] Resolution of Legislature of Wisconsin, March 28, 1860. *Senate Mis. Doc.*, 36 Cong., 1 Sess., Doc. No. 46.

[44] Referring to a bill pending in the House of Representatives.

[45] Wash. Corr., *Tri-Weekly Charleston Mercury*, March 20 and 24; *N. Y. Daily Tribune*, March 19, 1860; Wash. Corr., *Baltimore Sun*, March 18, 1860; Wash. Corr., *Louisville Daily Courier*, April 18, 1860.

Realizing the danger of the defection of the Northwestern senators and the possibility of a Republican *coup d'état* and keeping in mind the coming presidential campaign, the Southern leaders took a new tack. They decided to cease their efforts to defeat Johnson's bill and to employ the tactics of 1854 by passing a homestead bill which, if not like Hunter's substitute, was only a nominal homestead measure.

On the eleventh of April, Andrew Johnson withdrew the original Senate bill (which had been moved as an amendment to the House bill) and by the authority of the committee on public lands introduced a new bill as a substitute for the House bill.[48] What the provisions of this bill were is of small consequence for our purpose. In the main it was much the same as the first one. The same day Wade (Ohio) tried to have a day fixed for the final vote on the homestead bill. In this he was unsuccessful but he succeeded in stirring up a lively debate during which Johnson, of Arkansas, moved to refer the House and Senate bills with amendments to the committee on public lands with instructions to report a bill by a fixed day.[49] Pugh, of Ohio, objected to this arrangement because he feared it would kill the bill, but when Andrew Johnson and Wade expressed their satisfaction, the bills were recommitted with instructions to report on the 17th.

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[46] See Toombs's vote on Wade's substitute, May 9. *Cong. Globe*, 36 Cong., 1 Sess., 1998, 1999.

[47] C. C. Clay, Jr., to Andrew Johnson, April 13, 1860. *Johnson Papers* Mss. Clay writes that he will support a homestead bill if settlers would be charged 25 cents per acre, if a cession provision was added, and if its benefits would be confined to foreigners who had declared their intention of becoming citizens at the date of the approval of the bill.

[48] *Cong. Globe*, 36 Cong., 1 Sess., 1649, 1650.

At the stated time Andrew Johnson reported a new bill.[50] He stated that the various propositions before the Senate had been considered very carefully by the committee and that the intention of the committee in framing the bill was to place it on its true ground and to put it in such shape that it would receive the sanction of the Senate, the House of Representatives, and the President.[51] He paid a tribute to his colleagues on the committee on public lands, who he said had worked in good faith, and in a spirit of compromise. "There has been a magnanimity on the part of the chairman [R. W. Johnson], and of the gentleman in the opposition on the other side [Harlan, of Iowa] . . . that has commended them," said he, "and the country ought to know the part they have borne in the consummation of this great measure." The real friends of homestead, he continued, were satisfied with this bill, and the main purpose was to get one the President would sign.[52] The statement of the chairman of the committee, R. W. Johnson, which followed, was equally conciliatory and plainly intended for Western and Southern consumption.[53] The bill was a concession, said he, not going as far as was demanded either by the opponents or the friends of the original homestead proposition. The committee was unanimous in agreeing, he continued, that all political advantage should be eschewed and it had attempted to make progress conservatively. He then stated in detail the points of difference between the new bill and the House bill, the most important of which are as follows: The Senate bill gave benefits to none but heads of families, making a difference of about 50% in the number of persons who would be entitled to claim the benefits of the act. The new bill required a residence of five years plus a payment of twenty-five cents per acre and included only lands which were subject to private entry. It also required aliens to declare their intention of becoming citizens when they filed, while the House bill gave them two years after the five years' residence to complete their naturalization. At the end of thirty-five years lands unsold and held at the lowest graduated price of twelve and one-half cents per acre were to be ceded to the States in which they were situated.[84]

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[49] April 11. *Cong. Globe*, 36 Cong., 1 Sess., 1659-1662.

[50] April 17. *Ibid.*, 1748-1750.

[51] On April 11th he declared he did not fear a veto. *Ibid.*, 1654.

[52] Johnson, of Arkansas, said the same thing. *Ibid.*, 1753.

[53] *Ibid.*, 1750-1753. See *New Orleans Daily Picayune*, May 17, 1860.

Even with this very limited homestead bill the Southern Democrats were not anxious for a vote on it before their national convention and succeeded in postponing it until after that event.[85]

The Republicans continued their fight in behalf of the House bill. Grimes, of Iowa, said there was no use to cherish the delusion that the Senate bill was a homestead bill; it was a mere graduation and pre-emption measure.[86] Accordingly, the Iowa Senator moved an amendment designed to include unmarried men over twenty-one years of

[84] Later changed to 30 years. May 9. *Cong. Globe*, 36 Cong., 1 Sess., 2000, 2002. Clark, of New Hampshire, moved to strike out the cession clause, but it was lost 7 to 48 with all affirmative votes from New England and one each from Maryland and New Jersey. *Ibid.*, 1999.

[85] April 19. *Ibid.*, 1801, 1802. It was postponed until May 9.

[86] April 18. *Ibid.*, 1797.

age.[87] The close vote on this amendment, 27 to 28, and the reluctance of certain senators to vote shows the strength of the friends of a true homestead bill and that the Southern leaders had to crack the party whip over the heads of their Western allies. Indeed, a few minutes later Wilkinson (Rep., Minn.) moved an amendment to extend the provisions of the bill to lands not subject to private entry and to allow the location of eighty acre claims on lands held at two dollars and a half per acre.[88] Without this provision the bill was of little value to his State. The question of bringing land into the market was dependent upon the will of the chief executive and not upon law, and therefore it was unjust to put Minnesota in the same class with Iowa and the Southwestern States since there were lands in Minnesota which, although they had been surveyed for many years, had not been offered for sale. Besides this, a few years previous the federal government had donated several million acres of land to Minnesota for railways and the alternate sections along these roads had been reserved by the government and held at $2.50 per acre. Without Wilkinson's amendment this vast area would have been excluded from the operation of the homestead law. At the request of his Democratic colleague, Rice, the amendment was modified so that it excluded the railroad lands and in that form it passed, 28 to 21, after several desperate attempts had been made to avoid a vote by adjourning, several of the Southern senators being absent. This provision set at naught all the efforts at compromise on the part of the committee on public lands and made the bill so obnoxious that the South could not have voted for it. It is evident that the Southern leaders had been caught napping and that they were very much alarmed. A long

[87] May 9. *Cong. Globe*, 36 Cong., 1 Sess., 1991-1996. [88] *Ibid.*, 2002-2005.

wrangle ensued during which the Democratic leaders tried to have the vote on the amendment reconsidered.[59] After several such motions had been rejected, the Senate adjourned and so the matter was left undecided. The next day Rice, who no doubt had been lectured by the Democratic leaders, stated that the amendment went farther than had been intended, the object having been simply to put the present settlers upon an equality with those who might come later.[60] Wilkinson, however, stood by his guns and again fired a broadside against the bill. He said it amounted to but little else than to put the government lands into the market, to have all the valuable lands sold to speculators, and to leave the worthless land to settlers. He insisted that his amendment was vital to the bill. Johnson, of Arkansas, retorted that the Republicans were trying to fix the bill so that the Senate would refuse to pass it, or if it did, to force the President to veto it and then charge the Democratic party with its defeat.[61] Wilkinson's amendment, after much debate, was stricken out,[62] but Douglas, who now had completely severed his relations with the extreme wing of his party, introduced another amendment which was quite similar to it, but it was rejected 26 to 31, with Republicans, except Douglas and Rice, in the affirmative and Democrats and Americans in the negative.[63] Douglas was now bidding

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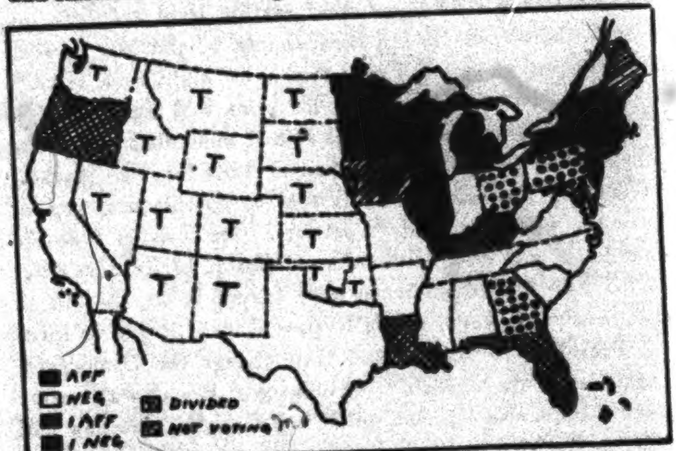
[59] *Ibid.*, 2008-2011.

[60] May 10. *Ibid.*, 2029 seq. The day before he said: "I was sincere in offering the amendment; and there is no power upon the face of the earth, political, personal, or other, that will induce me to withdraw it, or to move a reconsideration. I wish now to say, if the principles embodied in the bill reported by the committee are just and correct, they are only being made more perfect by the amendment which I offered. . . . I am compelled, with all due deference to every Senator, to say that it strikes me that the bill, in the shape which it is in, will be construed, by those who shall hereafter examine it, as a measure that was intended to take from the other side of the Senate the credit of passing a homestead bill. Without this amendment it is a bill that will be worthless to a large majority of the people of the Northwest." *Ibid.*, 2007. It will be remembered that Mr. Rice is speaking after the adjournment of the Charleston convention and that he was a Douglas supporter.

[61] *Ibid.*, 2035, 2036.

[62] *Ibid.*, 2038, 2039.



SENATE VOTE ON WADE'S MOTION TO SUBSTITUTE HOUSE HOMESTEAD BILL FOR SENATE BILL, MAY 9, 1860

for Northwestern votes without considering so carefully as formerly what the "fire-eaters" thought.

The Republicans made an effort, May 9th, to defeat the Senate bill when Wade moved to substitute the House bill for it. The motion, which was lost 26 to 31, was supported by twenty-three Republicans and three Democrats, Douglas (Ills.), Rice (Minn.), and Toombs (Ga.), while the negative vote was made up entirely of Democrats, including Bright, of Indiana, Gwin, of Califorina, Johnson, of Tennessee, Lane, of Oregon, Latham, of California, and

[63] *Cong. Globe*, 36 Cong., 1 Sess., 2039-2041.

Pugh, of Ohio, all except Johnson extreme Southern sympathizers, any three of whom might have turned the tide.[64] The wonder is that the Southern senators were able to defeat it. One thing is certain: they were unable to prevent some kind of a homestead bill from coming to a vote and they were compelled to permit the passage of a bill which conformed far more closely to the homestead principle than did Hunter's substitute. The following day, May 10th, Wade again moved to substitute the House bill but it was negatived 25 to 30.[65]

Being unable to carry their own bill, the Republicans went for the Senate bill on its final passage, which was by an overwhelming majority, 44 to 8.[66] All the Republicans voted in the affirmative with the exception of Hannibal Hamlin who voted in the negative and declared it was not a homestead bill, but was gotten up by the enemies of homestead.[67] Jefferson Davis was careful to state that he did not consider it a homestead law. He voted for it because he believed it a good measure and a great improvement over the existing land laws.[68]

The country, especially the South and West, had its eyes on the homestead bill. There was much speculation as to what course the House would take. Probably the Southern leaders desired that the House should insist on its bill and thereby cause the defeat of the Senate bill. However, there was little alarm felt in the South at the passage of the Senate bill, as the very restricted nature of the bill was known.[69] For this very reason the West desired that the House should insist as strongly as possible on the bill.[70] In the opinion of the *New York Tribune*[71] the bill passed by the Senate was not much better than no bill at all.

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[64] *Senate Journal*, 36 Cong., 1 Sess., 445-448; *Cong. Globe*, 36 Cong., 1 Sess., 1998, 1999.

[65] *Ibid.*, 2042.

[66] May 10. *Ibid.*, 2043.

[67] *Ibid.*, 2043. Harlan, of Iowa, Wilson, of Massachusetts, and Wade, of Ohio, declared that they voted for the bill because it was better than nothing. *Ibid.*, 1997, 1998, 2042, 2043.

[68] *Ibid.*, 2043.

When the Senate bill reached the House it was referred to the committee on public lands where it rested until May 21st when Lovejoy moved that the committee be discharged from further consideration and that it be brought before the House for action.[72] He moved to substitute the original House bill for it; the gag was applied and the bill was rushed through by overwhelming majorities. Eight days later the Senate made short work of the House bill when Johnson, of Arkansas, moved that it be disagreed to.[73] Wade tried to have the vote postponed because of the absence of certain senators favorable to the bill, but Johnson insisted and by a vote of 29 to 20 the bill was disagreed to. The House still insisted on its bill and asked for a committee of conference.[74] The Senate complied,[75] but the committee was unable to agree and each House resolved to insist on its measure.[76] Another conference committee was appointed but it also failed to come to an agreement, and the chairman of the respective committees in both houses asked for further conferences.[77] The third conference reached an agreement.[78]

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[69] *Tri-Weekly Charleston Mercury*, June 26, 1860.

[70] *Minnesotian and Times* (St. Paul), May 27, 1860.

[71] Daily, May 26, 1860.

[72] *Cong. Globe*, 36 Cong., 1 Sess., 2221, 2222.

[73] May 29. *Ibid.*, 2420.

[74] May 30. *Ibid.*, 2427. Barksdale, of Mississippi, moved to reconsider the vote by which the House insisted on its amendment, but Grow moved that the motion be laid on the table, which carried 119 to 72. *Ibid.*, 2477, 2478.

[75] May 30. *Ibid.*, 2462.

[76] June 11. *Ibid.*, 2813, 2814, 2846.

Schuyler Colfax (Ind.), from the House committee, stated that the report was not satisfactory to either him or to his Republican colleague, Windom, of Minnesota, but it was the best they could get and they had served notice on the Senate members of the conference that they regarded the bill as a single step in advance—an *avant courier*, and that they would demand at the next session a liberal law. Mr. Colfax explained briefly the nature of the new bill.[79] The Senate bill provided that pre-emptioners now on the public lands might remain there two years before they should be required to purchase their lands, but they should pay $1.25 per acre. This kept them from the benefits of the homestead bill. In order to protect the thousands of pre-emptioners from the fall land sales, the committee decided to allow them to secure their homes at 62½ cents per acre and to protect them for two years. The Senate bill, said Colfax, was so limited that scarcely any land in Minnesota, Kansas, Nebraska, California, Oregon, or Washington came within its scope. The conference bill included all lands subject to private entry and all odd numbered sections of surveyed lands not opened to public sale. By the Senate bill a settler could pay for his land and secure title at any time within five years, but under the new bill he could not do so until he had been on his land six months. Another provision of the Senate bill favorable to speculators was stricken out: that making it imperative for the President to expose all public lands for sale within two years after survey. Citizens or those who had declared their intention of becoming citizens were entitled to the benefits of the new bill. The House conferees were unsuccessful in their efforts to get the Senate members to allow unmarried men over twenty-one years of age to receive the benefits of the bill.

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[77] June 14. *Ibid.*, [illegible], [illegible].

[78] For the reports of the respective committees see: Senate, June 19. *Ibid.*, 3189; House, 3178, 3179.

[79] The House bill is printed in *Ibid.*, [illegible].

With the exception of the provisions confining benefits to married men, fixing the price at twenty-five cents per acre, and excluding the reserved alternate sections in railroad grants, the first of which was a most serious restriction, the new bill was a considerable improvement over the Senate bill. Yielding to political necessity, both houses concurred in the report by overwhelming majorities—36 to 2 in the Senate[80] and 115 to 51 in the House.[81]

The new bill was by no means a clean-cut homestead measure, but it was a step toward a new order. However, the circumstances under which it passed gave it an unpleasant flavor and to the West it seemed that the course of the Democrats was shifty. "The Cotton Democracy of the South and the doughfaced Democracy of the North," said the *St. Paul* (Minn.) *Times*,[82] "were afraid to insult the honest toilers of the Great West just on the eve of a Presidential contest, and so at the last moment through the untiring exertions of the Republicans in the Senate and of the House, and of our own Republican members particularly, the Bill was passed. . . . We should have much preferred giving away 160 acres of land to every settler, but as we could not get that, we are willing to take the next thing and wait patiently until the position of the Republican party will enable it to do justice to the hardy pioneers on our frontier settlements who do more towards adding to the wealth of the country than all the gass [sic] expended in the capitol of the nation." Greeley's *Tribune*, which Rhett's *Charleston Mercury*[83] pronounced the greatest paper in the North, with an influence many times greater than that of any paper in the country, saw some good in the bill, but warned "gentlemen of all parties" that the half loaf was accepted only for what it was and that the friends of the free homestead principle would not rest until their whole object was attained.[84]

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[80] June 19. *Cong. Globe*, 36 Cong., 1 Sess., 3159.

[81] June 19, *Ibid.*, 3179.

[82] June 23, 1860. See also *St. Peter Tribune*, May 9, 1860.

Whether good or bad, President Buchanan put a quietus on the hopes and fears of the friends and enemies of the bill by vetoing it three days after its passage and three days before the final adjournment of Congress.

Buchanan's inaugural address was an attempt to satisfy both North and South,[85] but on the question of the public lands his words were decidedly Northern and Western and they were so interpreted by both enemies and friends of homestead. ". . . It is our cardinal policy," said he, "to reserve these lands, as much as may be, for actual settlers, and this at moderate prices. We shall thus not only best promote the prosperity of the new States and Territories, by furnishing them a hardy and independent race of honest and industrious citizens, but shall secure homes for our children and our children's children, as well as for those exiles from foreign shores who may seek in this country to improve their condition and to enjoy the blessings of civil and religious liberty."[86] In commenting on the inaugural, the *Charleston Courier*[87] expressed its approval of it as a whole, but in relation to the "policy of confining the appropriation of our vast public domain, in the Western wilderness, to actual settlers, and thereby, for the exclusive benefit of the new States," it was not prepared to yield "full acquiescence." The *North Carolina Standard*[88] interpreted it as an announcement in strong terms "of his opposition to the recent squandering of the public lands." "He truly says," continued the editorial, "that we should never forget that our cardinal policy is to reserve the public lands as much as possible for actual settlers at moderate prices. He makes a just and kind allusion to foreign emigrants." The President's first annual message was in line with his previous sentiments.[89]

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[83] Tri-Weekly, Nov. 11, 1860.

[84] *Daily Tribune*, June 21, 1860.

[85] Cf. Rhodes, II., 245, 246.

[86] March 4, 1857. Richardson, *Messages and Papers*, V., 434. In his speech on the veto, June 23, 1860, Andrew Johnson quoted from the inaugural address in order to show the President's inconsistency. *Cong. Globe*, 36 Cong., 1 Sess., 3269.

During his term of office Buchanan fell more and more under the influence of the Southern leaders.[90] While the homestead bill was pending in Congress predictions were freely made that he would veto it.[91] After the split in the Democratic party at the Charleston convention it is probable that the Southern senators, who made practically no opposition to the more liberal bill agreed on in the conference committee, preferred to have the measure defeated by a Northern President. This is a mere conjecture but it is within the bounds of probability. At least, it was convenient for the Republican leaders to put that interpretation on it.[92]

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[87] March 9, 1857.

[88] March 11, 1857.

[89] Dec. 8, 1857. Richardson, *Messages and Papers*, V., 459.

[90] Rhodes, II., 290, 291.

[91] Wash. Corr., *Baltimore Sun*, March 19, 1860; *N. Y. Daily Tribune*, March 19, 1860; Wash. Corr., *Louisville Daily Courier*, April 9, 1860; *True Democrat* (Little Rock, Ark.), April 14, 1860; *Chicago Journal*, quoted in *Minnesotian and Times*, April 28, 1860.

[92] *St. Peter Tribune*, June 26, 1860.

Read in connection with his inaugural and first annual message, the grounds for the President's veto are not impressive.[22] The message declared that the bill lays the ax at the root of our present admirable land system. The public lands remain a vast resource to the United States and in case of war we shall have this to fall back on, as it may become security for public loans. The people of the United States, it continued, have never had an agrarian sentiment and have been favorable to the principle of equal rights to all, but this bill will go far to demoralize the people and repress the noble spirit of independence. He objected to the cession clause as unconstitutional and to the low price as unjust to the settlers who had paid $1.25 per acre, to the holders of land warrants, and to the government which would lose revenue. It also discriminated between the agricultural class and the artisans to the detriment of the latter. Similarly it worked injustice to the old States by offering a premium to their inhabitants to leave. It would also lead to speculation because large numbers of settlers would be carried out by capitalists upon agreements to give them half the land for the improvement of the other half. Another serious objection was the distinction made between foreigners and natural born citizens. It grants land to naturalized citizens but to heads of households only, but it gives the right to foreigners when they file their intention of becoming citizens whether heads of households or not. The President thought this might be an inadvertence, but nevertheless it was in the bill and it would bring people from China and Eastern nations to settle on our own shores.

Regardless of the question of logic, the veto was as good a campaign document in the West and among certain people in the East as the Republicans could desire. "The veto of the half-and-half Homestead Bill, by Buchanan, is the crowning infamy of the Democratic administration," exclaimed the *St. Paul* (Minn.) *Daily Times.*[94] "Let those who are now shouting for Douglas stop and consider the fact, that the head and chief of the great Democratic party, James Buchanan, has dashed to the earth, or rather he has sought to dash to the earth, all those bright, glowing hopes recently raised in the breasts of thousands of hardy settlers who for years past have been toiling in the West for a livelihood and a home. What more evidence can the people of this State want, of the hollow-heartedness of Democracy, than this act of James Buchanan? How much longer will they support a party whose aims and ends have been and are now to cripple free labor? . . . Look at the action of the Senate of the United States, when a just and genuine Homestead Bill passed the House and came before the Senate for approval. Who voted for that measure? Was it Democrats? Not a bit of it. From whence came the most untiring opposition? From Southern Slaveholders, backed by Northern Doughfaces in their employ. When these Democrats saw that it was quite possible their opposition to the measure might endanger the election of their nominee, then they gave in their adhesion to a half-and-half bill simply to catch votes, and as a grand finale the great chieftain of the party, having the power, came in and vetoed the bill!" Referring, a few days later, to the President's assertion that this bill would demoralize the people this same Republican paper said:[95] "Think of that, Western men! . . . The old dotard! don't [sic] he know that these hardy pioneers would knock him down should he tell *them* it is 'charity' for the Government to give them what actually belongs to them as much as does the sunlight and air?" The *Dubuque* (Iowa) *Herald*,[96] a Douglas organ, commented as follows: "Last Saturday the old reprobate, who now sits in the Presidential chair at Washington *vetoed the Homestead Bill*. This act fills up the measure of James Buchanan's recreancy to Democratic principles—it is one of the most infamous of his infamous administration. The slave propagandists demanded that the Bill should be vetoed, and their pliant tool was swift to obey them. Let the pimps and hirelings of the old sinner defend this last act of his, if they dare—Let them come before the masses of the people with 'Old Buck's' veto of the Homestead Bill on their banner, and ask the people to vote for his and the nigger traders' candidate for President. They dare not do it. They dare not advocate Breckinridge on such a platform as this."

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[22] June 22, 1860. Richardson, *Messages and Papers*, V., 608-614.

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[94] June 26, 1860. See Philadelphia *North American and U. S. Gazette* (Rep.), June 26 and 27, 1860, for Eastern sentiment.

[95] July 4, 1860.

The Bell-Everett papers[97] and the Breckinridge press in the South[98] and quite generally in the West indorsed the veto.[99] While the bill was pending and during the campaign the Western Breckinridge papers challenged the sincerity of the Republicans on the homestead measure.[100] The Washington *Constitution*,[101] Buchanan's organ, admitted that "the opposition party, in and out of Congress, are making strenuous efforts to accumulate partizan capital by appealing, through a bill of this character, to direct interests which do not care for constitutional objections," but it believed that "the desire for such a bill has been vastly overrated." It expected that the judgment of the people would sustain the President.[102]

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[96] *June 27, 1860.*

[97] *Boston Courier, June 27, 1860.*

[98] *The Mississippian* (Semi-Weekly), July 3, 1860.

[99] *Kansas National Democrat* (Lecompton), July 12, 1860.

[100] *Kansas National Democrat*, April 19, 1860; *Daily National Democrat* (Cleveland, Ohio), March 29 and April 21, 1860.

[101] June 22, 1860.

After the veto message had been read in the Senate, Republican senators and Andrew Johnson pressed a vote on passing it over the veto and succeeded in thwarting the efforts of the Southern senators to postpone it until the following December.[103] Johnson, of Arkansas, said he never had been in favor of the bill as agreed to by the conference committee and he charged that the members of the House committee held out because they desired for political purposes to have the voice of the executive.[104] Andrew Johnson, in his not too delicate manner, denied that the conference bill deviated from any principles of the original Senate bill and launched a most scathing philippic against Buchanan who, he said, would have vetoed any kind of a homestead bill.[105] He was particularly severe on that portion of the message which dealt with foreigners. He asserted that unless immigration was prohibited by law, the best thing for the country and for the immigrants was to plant them on the land as fast as possible. "I am constrained to say," he continued, "that I look upon this objection to the bill as a mere quibble on the part of the President, and as being hard-pressed for some excuse in withholding his approval of the measure; and his allusion to foreigners in this connection looks to me more like the *ad captandum* of the mere politician or demagogue, than a grave and sound reason to be offered by the President of the United States in a veto message upon so important a measure as the homestead bill." Johnson did not think that any officer of the government would construe this provision as Buchanan had, because if his argument was sound, it was equally strong against our whole land system which offered land from $1.25 per acre to 12½ cents per acre with nothing to prevent foreigners from entering the lands without even becoming citizens of the United States.[106]

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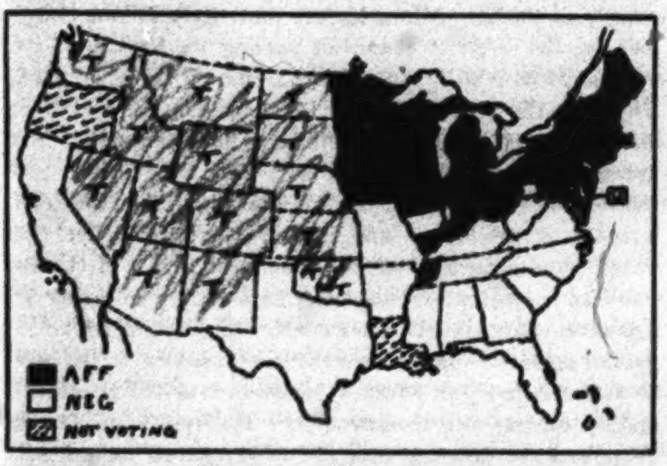
[102] See editorials in the *Constitution*, March 14 and 16 and Aug. 18, 1860.

[103] June 23. *Cong. Globe*, 36 Cong., 1 Sess., 2963, 2964. Motion to postpone lost 19 to 26.

[104] June 23. *Ibid.*, 2966.

[105] June 23. *Ibid.*, 2967-2970.



HOUSE VOTE ON GROW'S BILL RESERVING LANDS FOR SETTLERS FOR TEN YEARS, MAY 22, 1860. NON-VOTING DISTRICTS IN STATES CASTING ONE OR MORE VOTES NOT INDICATED

The same day the veto message was read the bill failed to pass over the veto by a vote of 27 to 18, only senators from the slave States voting in the negative.[107]

The Senate killed another land bill which had passed the

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[106] See speech of Harlan, of Iowa. *Ibid.*, 2871, 2872.

[107] June 23. *Ibid.*, 2872.

House. This measure, introduced by Grow, reserved the public lands for actual settlers for ten years after survey and opening for settlement. It had been before the House for two years [108] and in January, 1859, was adopted as an amendment to a homestead bill which later was rejected.[109] This proposition was more of the nature of a campaign document, as the Republican leaders must have known that it had not the slightest chance of passing the Senate. However, in 1860, it went through the House by the usual heavy majority, 102 to 67, with every Republican on the affirmative side and the solid South, with three or four exceptions from the border States in the negative.[110] The Senate never considered it.[111] Of course, the bill was popular in the newer portions of the West, and it also attracted notice elsewhere.[112] In the light of the subsequent action of the Republican majority in Congress, the sincerity of many affirmative votes may be questioned. The bill must be regarded as an attempt to turn the land situation to the benefit of the Republican party by embarrassing the Democrats and by emphasizing the friendliness of Republicans for the West and the laboring man. The bill served its purpose, too.

[108] *Cong. Globe*, 35 Cong., 1 Sess., 294, 1915; 35 Cong., 2 Sess., 200, 452.

[109] Jan. 20. *Ibid.*, 462, 495, 726.

[110] May 22. *Ibid.*, 36 Cong., 1 Sess., 2229, 2253. See also *Ibid.*, 1023, 1065, 1451, 1453.

[111] *Ibid.*, 2309.

[112] *Minnesotian and Times* (St. Paul), June 6, 1860; Philadelphia *North American*, May 23, 1860.

CHAPTER XIV

HOMESTEAD AND THE ELECTION OF 1860

THE election of 1860 was a decisive event in the struggle between the North and the South and slavery was, of course, the great issue. However, there were men in the free States, East and West, who cared not whether slavery "was voted up or down"; [1] these men applied different tests to the parties and candidates.

About 1854 the homestead measure began to figure quite prominently as an issue in State elections, especially in the West; and by 1858 it assumed great importance. In Iowa, for example, James W. Grimes, the anti-Democratic candidate for governor, in 1854, made homestead one of the leading issues. This State had a large pro-slavery element,[2] so large in fact that Grimes's friends advised him not to denounce the Kansas-Nebraska bill.[3] The Democratic congressmen from Iowa had supported the House homestead bill, and the Democratic party had endorsed a liberal law,[4] but Grimes made a direct appeal to the already considerable number of German voters by censuring the clause in the House bill discriminating against foreigners.[5]

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[1] Dodd, *Fight for the Northwest*, 780-783.

[2] Pelzer, *A. C. Dodge*, 151; *Grimes to S. P. Chase*, Oct. 10, 1854. Salter, *Life of Grimes*, 54.

[3] Grimes to Mrs. Grimes, June 18, 1854. *Ibid.*, 59.

[4] *Keokuk* (Iowa) *Dispatch*, June 15, 1854.

[5] Grimes's "Address to the People of Iowa," April 8, 1854. Salter, *Grimes*, 39.

In the national campaign of 1856 the homestead policy seems to have exercised little or no influence. The Kansas-Nebraska bill had stirred up such violent feeling that it overshadowed other issues. Neither the Democratic nor the Republican national conventions declared themselves on homestead.[6] Frémont's letter of acceptance hinted rather vaguely at Southern opposition to homestead,[7] but apparently the time was not ripe for a positive declaration by either of the great parties.

On the eve of the campaign of 1860 the conventions and papers of both parties in the West vied with each other in praising the homestead policy. In the State campaign in Minnesota, in 1859, both parties incorporated homestead planks in their platforms and blamed each other for the failure of Congress to enact a homestead law.[8] The Republican plank declared: "We are in favor of granting the public domain, in limited quantities, to be free homes for free-men; 'lands for the landless *versus* niggers for the niggerless'; and we hold the present administration to a strict accountability for the defeat of the Homestead Bill in the last Congress." Carl Schurz and Galusha Grow made speeches in which great emphasis was laid on the homestead bill. In Iowa, the same year, much the same situation existed.[9] There is no lack of evidence that both parties in the Northwest realized the importance of appropriating the homestead issue in the approaching presidential canvass.[10]

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[6] The Democratic platform condemned distribution.

[7] Printed in *Charleston Courier*, July 12, 1856.

[8] *St. Paul Times*, July 21, Aug. 6, 23 and 30, Sept. 6, 11 and 20 and Oct. 21, 1859; *Minnesota Statesman*, March 2, 1859; *Daily Minnesotian*, Sept. 9, 10, 15 and 23, 1859.

[9] *Weekly Council Bluffs Bugle*, Aug. 24 and Oct. 5, 1859; *Dubuque Weekly Express and Herald*, June 29, 1859; Dodd, *Fight for Northwest*, 781.

[10] *The American Eagle* (Paoli, Ind.), Feb. 9, 1859, and Jan. 26, 1860;

The *Dubuque* (Iowa) *Weekly Express and Herald*,[11] in 1859, declared that the Democratic Congress ought to enact a homestead law because in the approaching presidential contest it would be a powerful argument with the masses of the people of the Northwest and the industrial classes of all the old States in favor of the Democratic policy, and if defeated, against that policy.[12]

In 1859, under the direction of the "Congressional Executive Committee," was published a circular entitled "Lands for the Landless." [13] This document brought before the public the importance of the manner of disposing of the public lands for the people of the old States as well as of the new. "Until recently, the country was divided into two national parties," to quote, "both of which were either controlled or modified in their action by the Slave holding interest of the South. From the nature of the case, that interest is opposed to the pre-emption laws and homestead laws, because slavery cannot exist at the same time with a system of small freeholds. . . . Until the recent organization of the Jeffersonian Republican party, there was no national party which was in a condition to take up this

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Fort Wayne (Ind.) *Sentinel*, Feb. 25, 1860; *Omaha Nebraskian*, July 16, Aug. 27 and Sept. 24, 1859, and Aug. 18, 1860; Missouri State Republican platform, *Weekly Illinois State Journal*, March 14, 1860; State Rep. Convention of Kentucky, *Boston Atlas and Bee*, May 2, 1860; Pennsylvania Republican platform, *Weekly Illinois State Journal*, March 17, 1860, etc.

[11] Feb. 9, 1859.

[12] The homestead issue was very important in State politics in California after 1855. See *Democratic State Journal* (Sacramento), June 29, Aug. 7, 8 and 20 and Sept. 13, 1855; March 7, Aug. 29, Sept. 5 and 13, 1856; July 25, 27, 30, Aug. 21 and Sept. 4, 1857; also San Francisco *Daily Globe* and *San Joaquin Republican* for July and August, 1857.

[13] Printed in the *St. Paul* (Minn.) *Times*, July 9 and 10, 1859.

question, because until the reorganization of this party there was none which was not influenced or controlled by an interest adverse to pre-emption and homesteads." The pamphlet then analyzes the votes in Congress on the land bills and lays all the blame at the door of the Democratic party for their defeat. It gives credit to Andrew Johnson and a few Southern representatives for supporting the bill, but adds that "this proves, not that there is any division of opinion among the oligarchs, but that there are portions of the South which the oligarchs cannot fully control. It is vain . . . for the Douglases and Brights[14] of the West to point to their own individual votes in favor of homesteads and pre-emptions. If the men of this stamp be admitted to be ever so sincere and ever so reliable in those respects, it is sufficient that they are inextricably mixed up and allied with a power at the South which is implacably hostile to pre-emptions and homesteads."

Mr. Rhodes[15] states that the campaign of 1852 was the first one in which special efforts were made to capture the German and Irish vote. After that time the number of foreigners, especially Germans, increased so rapidly that they held the balance of power in several States. Most of the German immigrants were fairly well-to-do agriculturists, mechanics, common laborers, and small tradesmen who came to this country, not primarily because they were driven from their native land from want and oppression, but because they wanted to better their condition.[16] This class naturally gravitated to the Democratic party because it was the party of Jefferson and Jackson and because the

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[14] Referring to Senator Jesse D. Bright, of Indiana.

[15] *Hist. of U. S.*, I., 273.

[16] New York *Abend-Zeitung*, quoted in *Chicago Daily Press*, June 9, 1857; Schurz, *Reminiscences*, II., 29-45; *Philadelphia Ledger*, quoted in *Dubuque Herald*, May 30, 1860.

Whig party harbored the "nativistic" element.[17] There were among the Germans men who possessed the qualities of leadership in an unusual degree, men of high ideals and splendid patriotism, who exercised a tremendous influence, not only over their countrymen but over native-born Americans. As early as 1844 some of them commenced to express anti-slavery sentiments and in 1848 the Free Soil candidates attracted many German votes.[18] The Kansas-Nebraska act disillusioned many German Democrats [19] and from that time many of them turned their backs on their party. The *New York Evening Express* [20] stated that the most alarming element in the presidential campaign of 1856 was the abandonment of the Democracy by the Germans, and to some extent by the Irish, who were going over to Frémont.

However, many Germans were reluctant to join the new Republican party. It is true that it was born of the hatred of slavery, but it also included many who disliked the increasing influence of foreigners and who were against "personal liberty." [21] The fact is that the Republican party was almost wrecked by the influx of prohibitionists and Know-nothings into its ranks. These elements within the party, by their zeal in various State legislatures in behalf of their cause, made the name Republican synonymous with "nativism" and temperance to many, native Americans as well as foreigners, but especially the Germans. The action of the Republican Legislature of Massachusetts, where the feeling against foreigners was very strong, in adopting for submission to the people an amendment to the State constitution prohibiting foreign born persons from voting until two years after naturalization incensed Germans everywhere, but especially in the West.[22] Threats were made to punish the Republican party by voting the Democratic ticket.

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[17] Faust, *The German Element*, II., 196, 197; Schurz, *Reminiscences*, II., 64, 66. It may also be pointed out that many joined the Know-nothings because the foreigners were Democrats. See below.

[18] Bruncken, *The Germans in Wisconsin Politics*, *Parkman Club Papers*, 1896, pp. 232-234; Faust, II., 130.

[19] Faust, II., 129, 130, quotes Von Holst as saying that, according to a list drawn up by the *Cincinnati Gazette*, there were, in 1854, eighty German newspapers against the Kansas-Nebraska bill and only eight in favor of it. The *Cincinnati Enquirer*, quoted by the *True Democrat* (Little Rock, Ark.), July 12, 1854, said that efforts were being made to organize the Germans into a separate political organization. Their articles of political faith were: 1) abolition of slavery; 2) entire religious freedom; 3) right of every man to a free farm; 4) easier naturalization laws, etc. *Newark Daily Advertiser*, March 31, 1854.

[20] Quoted by *Charleston Courier*, Aug. 28, 1856.

[21] Curtis, *The Republican Party*, 145 seq., 216 seq.; Koerner, *Memoirs*,

The *Sociale Republik*, published by "Der Arbeiterbund" in New York, was strongly anti-slavery, but as late as 1858 it strongly condemned the Republican party for combining with the Know-nothings and declared that the time had come for German-Americans to assert their rights.[23] This paper disclaimed all intention of the Germans to nominate a candidate of their own for the presidency, but declared they would support the man who would come nearest to espousing their cause which, among other things, was the enactment of a homestead law and the prohibition of speculation in public lands. If no candidate would look

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19 seq., 74; seq.; Faust, II., 130-135; Grimes to Chase, March 28, 1856. Salter, *Grimes*, 78, 80; Rhodes, II., 49 seq.; Desmond, *The Know-Nothing Party*.

[22] Schurz, *Reminiscences*, II., 116, 117; Koerner, *Memoirs*, II., 74-76; *Sociale Republik*, April 9, 1859; Schurz to Pierce, April 30, 1859. Schurz, *Correspondence*, I., 73-75.

[23] *Sociale Republik*, Sept. 18, 1858. This sentiment permeates the German papers and is reflected in many "non-German" papers. This chapter in the history of the Republican party has not been sufficiently emphasized.

with favor on their cause, then they would withhold their votes.[24] Gustav Struve, the editor of this militant paper, made many speeches to laboring men and declared that the most important measure for the laboring people was the homestead law which should also forbid all speculation in the public lands.[25] At a mass meeting of Germans, in 1858, he read certain resolutions, which were enthusiastically adopted, declaring that the Republican, Democratic, and Native American parties were all corrupt.[26] They were particularly severe on the Republican party, which they declared claimed to be the party of freedom, but in practice discriminated against immigrants.

The Republicans made every effort to attract the Germans to their party by identifying the opposition to homestead with slavery. In Minnesota, in 1859, they circulated copies of Grow's homestead bill printed in the German language.[27] The fact that the Republican bills were more liberal to foreigners than the Senate Democratic bills was made use of in appealing to Germans.[28]

The Democratic papers lamented the fact that the Republicans were truckling to the Germans and were succeeding in drawing them into their fold,[29] but the very fact that their votes were sought after made the Germans independent; they demanded a price for their support.

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[24] *Ibid.*, July 24, 1858. In the House Files for the years 1846 to 1852 a very large proportion of the "National Reform" petitions (Mss.) are signed by Germans.

[25] *Ibid.*, Aug. 28, 1858.

[26] *Ibid.*, Oct. 16, 1858.

[27] *Minnesota Statesman*, Sept. 30, 1859.

[28] *Minnesotian and Times*, March 29, 1860; *Daily Minnesotian*, April 30 and May 17, 1859; *Weekly Chicago Press and Tribune*, April 28, 1859.

[29] *Detroit Free Press*, April 17, 1860; *Weekly Democrat and News* (Davenport, Iowa), Jan. 26, 1860.

They addressed open letters to candidates asking them to define their stand on naturalization, homestead, etc.[30]

Realizing the necessity of concerted action and conscious of their power, a body of representative Germans met in Chicago before the opening of the Republican national convention. Resolutions were adopted requesting the convention to condemn all measures hostile to adopted citizens, to declare in favor of a homestead measure as passed by the House, and to adopt a positive anti-slavery plank.[31] The support of such a body of voters could not be lightly brushed aside and the Republican platform incorporated these principles.[32]

The homestead plank was a distinct asset to the Republicans in securing the support of not only the Germans, but of other immigrants. It secured the invaluable services of Carl Schurz, not to mention the support of German newspapers.[33] A systematic campaign to reach the foreign vote was inaugurated.[34] In July, 1860, Schurz wrote to his wife from Illinois that the Germans were coming to the Republicans by hundreds and thousands. "If things go everywhere as in Egypt, where there were scarcely any Republican votes cast in 1856," said he, "Lincoln's election is inevitable."[35] From Philadelphia he wrote: "The old 'Pennsylvania Dutch' follow me like little children, although they can only half understand me. The Democrats are furious, and wherever I have spoken they telegraph like mad in all directions for German speakers to neutralize the effect of my speeches."[36] In some places entire German Democratic clubs went over to the Republicans.[37]

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[30] Edward Bates to Fay et al., *Memphis Daily Enquirer*, March 29, 1860; Grimes to Hillguertner et al., April 30, 1859. Salter, *Grimes*, 119, 120; Theodore Canisius to Lincoln. *Weekly Illinois State Journal* (Springfield), Jan. 4, 1860.

[31] *Boston Atlas and Bee*, May 15 and 16, 1860; *Sociale Republik*, March 12, 1860.

[32] Schurz, *Reminiscences*, II., 179 seq.

[33] *Illinois State Register*, quoted by the *Memphis Daily Appeal*, July 17, 1860, gave a list of sixty-nine German papers in the country supporting Lincoln.

[34] Schurz to Lincoln, May 22, 1860. Schurz, *Correspondence*, I., 118-119; Schurz, *Reminiscences*, II., 197.

The nomination of Lincoln was brought about by the conservative wing of the party, and was an attempt to secure the support of the Northwest. Likewise the homestead plank was an appeal for the support of this section. But homestead was popular not only in the Northwest but also among laborers and farmers in the East as well. Grow's speech on "Land for the Landless" was scattered broadcast all over the country[38] and voters pried into the records of candidates for Congress on the homestead bill.[39]

At the Lincoln and Hamlin ratification meeting at Springfield, Illinois, banners were carried, inscribed "Old Abe—one of Hammond's mud sills"; "Free Homes for the Homeless"; "Abraham Lincoln—in favor of the Homestead Bill."[40] At a later meeting in the same town a banner was carried proclaiming "Pass the Homestead Bill, and that will settle the Slavery Question"; "The Small Giant dodges the Homestead Bill." [41] Republican campaign orators and papers claimed that their party was the only one which was a true friend of homestead and that no matter if individual Democratic candidates declared their friendliness to the measure, their party's record gave no hope for the future.[42]

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[35] Schurz, *Correspondence*, I., 121.

[36] Schurz to wife. Sept. 24, 1860. *Ibid.*, I., 160, 161.

[37] *Chicago Press and Tribune*, quoted in *Weekly Illinois State Journal*, Sept. 12, 1860; *Boston Atlas and Bee* for July and August, 1860. Before the Republican convention the Irish at Menasha, Wis., went over to the Republicans, giving as their reason the failure of the Democrats to support the homestead bill. *Minnesotian and Times*, April 20, 1860.

[38] McMaster, VIII., 461; Greeley and Cleveland, *Political Text-book*, 189-193; *Weekly Illinois State Journal*, April 18, 1860.

[39] *N. Y. Daily Tribune*, Aug. 25, 1860.

[40] *Weekly Illinois State Journal*, June 13, 1860.

In the East men like John Sherman, Lyman Trumbull, and Anson Burlingame made much of the homestead issue. At a Republican meeting in Lynn, Massachusetts, Anson Burlingame was introduced "as one, the music of whose voice, in the defense of freedom, free labor, and free homesteads, had made melodious the hills and valleys of our land." [43] In a great procession in Boston there was a house placed on wheels, drawn by four horses, and upon each side was inscribed "Free Homesteads." [44] Delegations from Middlesex and Essex counties had transparencies proclaiming "Free Homesteads and Free Men."

Buchanan's veto of the homestead bill, as we have seen, was extremely unpopular in the newer portions of the North-

[41] *Weekly Illinois State Journal*, Aug. 15, 1860.

[42] From a mass of material on the campaign in the Northwest the following may be cited: *St. Paul Daily Times*, July 3, Aug. 11 and 14, Sept. 4 and 5 and Oct. 31, 1860; *Weekly Illinois State Journal*, April 18, June 20, July 4, Sept. 5 and Oct. 31, 1860; *Galena* (Ills.) *Advertiser*, quoted in *Boston Daily Atlas and Bee*, July 12, 1860.

[43] *Boston Atlas and Bee*, July 26, 1860.

[44] *Ibid.*, Oct. 17, 1860. See also *Ibid.*, July 11 and 21, Oct. 24, 26 and 29 and Nov. 6, 7 and 10, 1860; Philadelphia *North American and U. S. Gazette*, May 26, June 11 and Sept. 13, 1860. At a meeting in Philadelphia Lyman Trumbull said: "Why should the public lands in my State, and Iowa, and Minnesota, in Kansas and Nebraska, be brought into the market and sold to capitalists, living here upon Chestnut Street, or upon Fifth Avenue in the City of New York? Why should we encourage capitalists to buy those lands, and hold them for five or ten years, so that when you or your children go out there to settle, you will be obliged to pay five or ten dollars an acre for the land?" *Ibid.*, May 28, 1860.

west. The West had not recovered from the panic of 1857 and in the new settlements the pioneers had no money with which to pay for their pre-emption claims.[45] Many in the West blamed the land system for the "hard times." "It is a fact just beginning to be realized by the people of this country," according to a letter from Iowa to the *New York World*,[46] "that the primary cause of the great commercial depression that now sits like a nightmare on the pulseless cities and idle fields of the Northwest, is the pernicious policy of the General Government, with regard to the public lands. . . . The people of the West have been deeply mortified by the failure of Congress to pass a proper Homestead Law. The question will enter largely into the political canvass, and will determine many votes against the Democratic party." Times were particularly "hard" in Minnesota. In this new State there were thousands of settlers living on the public lands who were absolutely unable to pay for their claims. To make matters worse, President Buchanan by proclamation opened the lands to public sale. Immediately the cry was set up that the administration, controlled by Southern politicians, was deliberately trying to injure the Northwest. Republican papers made political capital out of it and called upon the people of Minnesota to punish the administration and the Democratic party in the coming election.[47] So strong was the feeling that the

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[45] Report of the Commissioner of the General Land Office, Nov. 30, 1859. *Senate Documents*, 36 Cong., 1 Sess., Vol. I., 193; Reports of the Secretary of the Interior, Dec. 1, 1859 and Nov. 30, 1860. *Ibid.*, I., 93, 94; *Ibid.*, 36 Cong., 2 Sess., I., 30.

[46] Quoted in *Weekly Illinois State Journal*, July 23, 1860, which endorsed the sentiment. See also *N. Y. Daily Tribune*, June 25, 1860.

[47] The *St. Peter Tribune* (July 25, 1860) said: "If any thing were needed to complete the infamy of the Old Public Functionary [Buchanan], this last act is sufficient."

Democratic congressmen from the State petitioned Buchanan, and Governor Sibley made a special trip to Washington to induce him to postpone the sales. The President yielded to political necessity and complied with the request.[48]

In Nebraska Territory the circumstances were much the same as in Minnesota and when the land sales were proclaimed there, the Republicans took the same course as they had taken in Minnesota. Grow's bill reserving the public lands for actual settlers for ten years was held up in contrast with the administration policy. The Democrats succeeded in having the sales postponed, but the Democratic party had received much unpleasant advertising in the Northwest.[49]

The situation which confronted the Democratic party at the assembling of the Charleston convention was the most difficult imaginable. Torn by strife within and without Congress, with a number of able and ambitious men aspiring to leadership, to infuse harmony was an almost superhuman task. Nevertheless the situation was not hopeless. The Democratic party had little to fear from the remnants of the Whig and Know-nothing parties, and the Republican party had less influence in the South than it has to-day. The obvious task of the Charleston convention was to construct a platform sufficiently aggressive to appease the "fire-eaters," yet mild enough to be acceptable to the conservative element and to nominate a candidate who could consistently stand on it. With success assured in every slave State and an equal chance in several free States, if the counsel of cooler heads in the South, like Alexander H. Stephens, had prevailed, the Democrats might have remained in power for another four years.

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[48] The Minnesota papers during 1859 and 1860 made much of this. See especially: *St. Paul Times*, March 1 and 23, Aug. 14 and 24 and Sept. 3 and 7, 1859; *Daily Minnesotian*, Aug. 17 and Sept. 9 and 14, 1859; *Minnesota Statesman*, Feb. 2, 1859.

[49] *Nebraska Advertiser*, Feb. 18, 1858; *Omaha Nebraskian*, May 19 and Sept. 8, 1858; *Nebraska City News*, Sept. 29, 1860; *Nashville Union and American*, Aug. 29, 1858.

The Harpers Ferry raid had awakened hostility to any candidate from the free States, but less radical Southerners saw that the hopes for a Democratic victory rested upon their ability to carry the Northwest. They saw the futility of staking their cause on sectional issues because the opposition party was sectional and in a purely sectional fight could be expected to carry the stronger section.[50] For this reason they deplored the Southern opposition to homestead which was sure to alienate the Northwest and give the Republican party a monopoly of the homestead issue. Andrew Johnson, whose untiring efforts in behalf of a homestead law had made his name well known among the many voters in the East and especially in the Northwest, was groomed by certain leaders in the South, but especially in Tennessee and Kentucky, for the Democratic nomination. There was a very considerable element in all parts of the country, but especially in the Northwest, which heartily wished for Johnson's nomination.[51] "It is the opinion of a distinguished Northern Democrat, who is cool and calculating in his language," wrote the editor of the *Nashville Union and Amer-*

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[50] *Nashville Union and American*, Nov. 19 and Dec. 15, 1859; March 30 and April 4, 1860; *Chattanooga Advertiser*, quoted in *Ibid.*, Sept. 28, 1859; *Ibid.*, April 14, 1860; *Chattanooga Southern Reflector*, quoted in *Ibid.*, Dec. 14, 1859.

[51] See files of the *Nashville Union and American* for Nov. and Dec., 1859, and Jan., Feb., March and April, 1860, for communications and extracts from other papers relative to Johnson. Also *Memphis Daily Avalanche* about this time. *The States and Union* (Wash., D. C.), Feb. 18 and June 20, 1860. There are evidences that Johnson was popular in the North as early as 1852. See *The Daily Union* (Washington), May 25, 1852.

ican[52] from Washington in April, 1860, "that any opponent of the Homestead policy would lose 200,000 votes in New York, 100,000 in Pennsylvania, and he couldn't touch bottom in the Northwest."

It is perhaps easy to make too much of Johnson's popularity since it is natural that the Tennessee newspapers should have inflated the boom for a "favorite son."[53] In a direct primary he might have shown surprising strength but with the Southern politicians he was a most unwelcome candidate. There was nothing in his record in Congress which was hostile to the "constitutional" rights of the South with the exception of his advocacy of the homestead bill. However, this in itself was sufficient to class him with Seward and other advocates of the "Black Republican measure for Freedom."

Unfortunately for Douglas, he was strongest where the Democratic party was weakest and the weakest man in the party where it was strongest.[54] For this reason there was small chance of his securing the nomination of a united Democratic party. The *Charleston Mercury*,[55] a few days before the assembling of the Charleston convention, declared that "the Democratic party, as a party, based upon principles, is dead. It exists now, only as a powerful faction. It has not one single principle common to its members North and South." This same paper during the campaign branded Douglas as a "Homestead Squatterite."[56] The *Knoxville* (Tenn.) *Register*,[57] a radical sheet, in commenting on the differences between the Northern and Southern Democracy, declared that the former were for giving the public lands to "soulless corporations, or what is infinitely worse, dividing them into Home Steads for Abolition Squatter Sovereigns."

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[52] April 5, 1860.

[53] Greeley's letter written from Davenport, Iowa, Jan. 29, 1860, is significant. "No other Democratic statesman than Douglas, unless it be Andrew Johnson, of Tenn., could hope for their [Western settlers] support. . . . Mr. Douglas, on this question [homestead], could probably hold his own against a Republican; no one else but Johnson could begin to do it." *Dubuque Herald*, Sept. 26, 1860.

[54] See *Cincinnati Commercial*, quoted in *The Mississippian*, March 13, 1860. C. C. Clay, Jr., to E. A. O'Neal, May 21, 1860. Tri-Weekly *Charleston Mercury*, June 9, 1860. Clay says Douglas has been a constant supporter of the free farm or homestead policy, having voted for it in company with but one other Northern Democrat and all the Black Republicans against all the Southern senators, etc. There is considerable evidence that the Southern Democrats did not like Douglas's stand for homestead.

[55] Tri-Weekly, April 17, 1860.

Although, of course, there were Breckinridge supporters in the free States, his chances in New England and the Northwest were almost negligible. The Douglas wing, however, made its appeal for votes in the South as well as in the North. For this reason they were on the defensive on the homestead issue. The Republicans could afford to incorporate a purely sectional proposition in their platform because they expected no support in the South. The Douglas speakers and newspapers were constantly embarrassed by Republican queries as to why their platform was silent on homestead. Douglas's record on the several bills was vigorously and frequently unjustly attacked and, of course, much capital was made of the record of the Democratic Senate and Buchanan's veto.[58] The Democratic defense was that the record of Douglas and his followers was so well known that a formal plank was deemed unnecessary. Greeley's letter, written in January, 1860, in which Douglas's homestead record was praised, was cited as proof.[59]

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[56] Tri-Weekly, Sept. 6, 1860.

[57] Quoted by *Republican Banner and Nashville Whig*, Feb. 29, 1860.

[58] There is a great mass of material on this point, but only a few references are cited: *Oregon Weekly Times*, June 2, 1860; *Nebraska City News*, Sept. 15, 1860; *Dubuque Herald*, Aug. 15 and 29, 1860; *St. Paul Times*, July 31, Aug. 28, Sept. 7 and 27 and Oct. 9, 1860; *Weekly Illinois State Register*, Aug. 29, 1860; *Weekly Democrat and News* (Davenport, Iowa), Sept. 27, 1860; *Detroit Free Press*, July 23 and Aug. 17, 1860; *Daily Ohio Statesman*, Oct. 2, 1860.

The only vulnerable joint in the Republican armor was the record of the candidate for the vice-presidency, Hannibal Hamlin. Up to 1854 he had been an out-spoken opponent of the homestead bill and the Democrats in the West made much of this in order to show that their opponents were insincere in their devotion to the measure.[60]

The homestead policy occupied a prominent place in Douglas's speeches in the West.[61] At Dubuque, Iowa, in October, he spoke as follows:[62] "I have often had occasion to say in the Senate of the United States, and now repeat it to you, that if I had my way, there would never be another public land sale on the American Continent. [Tremendous applause] I would apply the pre-emption system and Homestead Bill to all our public lands, and I would allow the title to remain in the Federal Government until some actual settler would avail himself of the pre-emption and Homestead bill. [Cries, "that's right," and applause] I originated the idea of a Homestead Bill when a member of the House of Representatives sixteen or seventeen years ago. . . . I have urged in the Senate over and over again

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[59] *Dubuque Herald*, Sept. 26, 1860; *Weekly Democrat and News* (Davenport, Iowa), Sept. 27, 1860.

[60] A few typical references are cited: *Weekly Illinois State Journal*, July 11, 1860; *Weekly Council Bluffs Bugle*, Aug. 29 and Sept. 19, 1860; *Dubuque Herald*, Sept. 26, 1860; *Detroit Free Press*, Aug. 4 and Sept. 11, 1860; *Ohio Statesman*, June 20, 1860; *Nebraska City News*, Sept. 15 and 22, 1860; *Omaha Nebraskian*, Sept. 26, 1860; *Kansas National Democrat*, June 28, 1860.

[61] *Dubuque Herald*, Sept. 5, 1860; *Detroit Free Press*, Oct. 16 and 19, 1860.

[62] *Dubuque Herald*, Oct. 17, 1860.

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the indispensable necessity of confining the public lands to the actual settler, and allowing no speculator to get possession except for cultivation. [Cries of "good!" and applause] My policy has always been to make every inhabitant of the new States and Territories a land-holder, as far as it was possible to do so, by our legislation. [A voice, "that's right!"] After extending these privileges to the settlers, my next step was to confer upon the settlers of a Territory all the rights of self-government possessed by the people of the States. [Applause.]"

Douglas used the homestead argument to attract the alien voters, realizing that on the slavery issue he could not expect to compete with the Republicans.

Neither Republicans nor Democrats had much to fear from the Bell-Everett ticket in the West. In the South, however, it carried some States and made a strong fight in others. The Bell-Everett papers in this section made good use of the homestead issue by denouncing Breckinridge's running-mate, Joseph Lane, as an advocate of that "detestable and damnable Homestead Bill, the most comprehensive and infamous abolition measure that has ever been proposed since the foundation of the government."[63] The candidates on the "Suicide Ticket" were named "Squatter Breckinridge and Homestead Joseph" by the Augusta (Georgia) *Daily Chronicle and Sentinel*.[64]

The adoption of the homestead plank by the Republican national convention was a stroke of policy. It was regarded by the Germans as a guarantee of good faith by a party whose record on prohibition and nativism was extremely repulsive. It was also an announcement that the Republican votes for homestead bills in Congress had been sincere. The importance of the homestead issue as a "vote getter" is evidenced by the prominence which was given to it by Republican speakers and newspapers and by the efforts of the Douglas party in the West to claim it. Were it not for the weight of documentary evidence one would hesitate to challenge the idealism of the American people by indorsing the words of Lovejoy, the brother of the martyr, when the homestead bill was in danger of defeat, that without being pledged to such a measure the Republicans could not have elected their President.[65] It is, of course, true that the historian is on dangerous ground when he attempts to base his evidence upon newspaper sources. However, in a political campaign it is sometimes more important to find out what the people were made to think rather than what the facts really were. We have the authority of Mr. Rhodes for the statement that during the years between 1854 and 1860 the daily journals were a pretty good reflection of public sentiment in the United States.[66] According to this writer, public opinion generally acts more quickly through the press than through public meetings.[67] "I can emphatically say," he writes, "that if you want to penetrate into the thoughts, feelings, and ground of decision of the 1,866,000 men who voted for Lincoln in 1860, you should study with care the New York *Weekly Tribune*."[68] Accepting the opinion of this distinguished student of American politics during the period of the slavery controversy, it is impossible to escape the conclusion that the homestead issue was vital. The task of noting the references to the public lands, and the homestead bill in particular, in the newspapers is almost superhuman, but it must not be forgotten that in those days as well as to-day the press suppressed and colored news when it was to the interest of the party to do so. The obviousness of the slavery issue has dimmed the other problems confronting the American people, but they were there nevertheless and the question of land in its various forms has ever been a vital one in all times and conditions of men. Directly and indirectly the public domain solved the slavery problem; it broke the backbone of the Democratic party by making possible a great section peopled by men and women steeped in the ideals of freedom and personal liberty and it gave birth to an issue which in the hour of greatest need turned thousands to the embodiment of the American spirit, Abraham Lincoln, himself the product of the frontier.

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[63] *Richmond Whig* (Bell-Everett), quoted by *Floridian and Journal* (Breckinridge), Aug. 8, 1860.

[64] July 15, 1860. See also *Floridian and Journal*, for August and September, 1860, which contains extracts from other papers, and *Daily Chronicle and Sentinel* (Augusta, Ga.), March 28 and 30 and June 23, 1860; *Baltimore Clipper*, May 19, 1860.

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[65] Dec. 10, 1861. *Cong. Globe*, 37 Cong., 2 Sess., 39.

[66] *Historical Essays*, 51.

[67] *History of the U. S.*, I., 465.

[68] *Historical Essays*, 91.

CHAPTER XV

THE HOMESTEAD LAW, 1862

IT was not to be expected that a sectional measure of the importance of homestead would be enacted into law in the short session of Congress which convened immediately after the election of Abraham Lincoln, but there was no reason why a party which had appealed to the voters on the ground of its friendship to the measure should have delayed its enactment after the withdrawal of the Southern members had left it virtually supreme in Congress. Of course, the war gave birth to problems connected with the administration of the public domain which could not be foreseen. Eastern Republicans who had been warm supporters of homestead now claimed that the financial exigencies of the government demanded that the public lands should be reserved as a basis of credit,[1] forgetting that while the South was opposing it on similar grounds they insisted that by improving and cultivating the lands the government would derive a greater revenue.[2] Grow, who was always consistent on the question, stood with the West in opposition to the East. "The standard of credit with a nation is not the amount of unproductive property that it may possess," said he, "but the *ability of its people to pay taxes*. Its real wealth consists not in the sums of money paid into its treasury, but in its flocks, its herds, and cultivated fields, and, above all, in the comfort of its laboring classes; not in the mass of its wealth, but in its diffusion. . . . Whatever changes this rebellion may produce in the industrial pursuits of the country, it must certainly revolutionize its revenue policy; for it will be impossible to raise the necessary revenue for its current expenses and provide for the national debt by duties on imports alone. Hence must come a resort to internal taxation; and the amount of taxes thus collected will depend, in a great degree, on the ability of the people to consume the products taxed. The greater the ability to consume the greater the consumption, and the greater the consumption the greater, of course, must be the production, and, consequently, the greater the revenue on it."[3]

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[1] *St. Peter Tribune*, March 5, 1862.

[2] *Cong. Globe*, 37 Cong., 2 Sess., 136-140.

Naturally the war awakened a new interest in land bounties to soldiers and there was much apprehension lest homestead would be overslaughed by a wholesale issue of bounties.[4] During a time of war there is always a tendency to shower favors upon soldiers, and, of course, the dealers in land warrants put forth their best efforts. It was argued that if a homestead law went into effect at once it would give those persons who declined to go into the army an undue advantage over those who entered the service.[5] Western representatives admitted that persons who were not soldiers might take up lands under a homestead law, but they pointed out that soldiers were not denied the benefit of it and in addition received money bounties under the law of July 22, 1861.[6]

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[3] Feb. 21, 1862. *Ibid.*, 910.

[4] J. K. Ingalls to Andrew Johnson, July 10, 1860. *Johnson Papers*, Mss. Cf. *House Journal*, 37 Cong., 1 Sess., 43. Report of Secretary of the Interior, Nov. 30, 1861. *Senate Documents*, 37 Cong., 2 Sess., Vol. I., 443-445.

[5] *Cong. Globe*, 37 Cong., 2 Sess., 134.

[6] *Ibid.*, 136, 1033-1034.

The greatest opposition to the homestead bill, as might be expected, came from the border States.[7] In spite of the opposition of those who favored bounties and desired to pledge the proceeds of the public lands to the payment of the national debt,[8] the homestead bill passed the House on February 28, 1862, by a vote of 105 to 18, the negatives coming almost entirely from the border States.[9]

The bill did not meet with much opposition in the Senate. Senator Harlan, of Iowa, in December, 1861, had introduced a homestead bill,[10] but when the House bill reached that chamber, on behalf of the committee on public lands, he asked that that committee be discharged from the consideration of his bill.[11] The Senate having agreed to this, Harlan reported back the House bill with amendments excluding rebels from its benefits, striking out the provision giving money bounties to soldiers, and adding a clause forbidding one person to enter more than 160 acres.[12] These amendments were agreed to by the Senate. Here, too, the land bounty question was brought up by Carlile, of Virginia, who offered a land bounty bill as a substitute for homestead.[13] The substitute received but eleven votes, they being mostly from the border states.[14] May 6th the bill passed the Senate 33 to 7, the negatives coming from the border States.[15]

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[7] See vote on homestead bill in the House, Feb. 28, 1862. *House Journal*, 37 Cong., 2 Sess., 376, 377. See also *Cong. Globe*, 37 Cong., 2 Sess., 1915, 1916, 1937-1940.

[8] *Ibid.*, 889, 890.

[9] *House Journal*, 37 Cong., 2 Sess., 376, 377.

[10] Dec. 9, 1861. *Cong. Globe*, 37 Cong., 2 Sess., 26.

[11] March 28, 1862. *Ibid.*, 1347.

[12] May 2, 1862. *Ibid.*, 1915.

[13] May 2. *Ibid.*, 1915, 1916. See speech of Pomeroy, of Kansas, in opposition. May 5. *Ibid.*, 1937-1940.

[14] May 6. *Ibid.*, 1951. There were 28 negative votes.

The House refused to accept the Senate amendments and asked for a committee of conference.[16] In the main the Senate amendments were adopted by the House committee and both houses concurred in the amendments.[17] It was fitting and proper that a bill which meant so much to American society should have received the signature of a President who "admirably represented that which was best in American life."

The law[18] provided that the head of a family, or a person twenty-one years of age or over, being a citizen of the United States, or having filed his declaration of intention, and who had never borne arms against the United States, should be entitled to enter not more than 160 acres, or a less quantity of unappropriated public domain, on which he may have filed a pre-emption claim, or which at the time of application was subject to pre-emption at $1.25 or less per acre, or 80 acres at $2.50. He must swear that the land was for actual settlement and cultivation and not directly or indirectly for the benefit of any other person. Upon filing affidavit he must pay $10. No patent could be issued before 5 years. No land acquired under the act should be liable for the satisfaction of any debt contracted prior to the issuing of the patent. If the settler abandoned his claim for more than six months at any time, it reverted to the government. A person who had served in the army or navy of the United States for not less than 14 days could take advantage of the bill, even though under 21 years of age. The act did not interfere with the pre-emption act

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[15] *Ibid.*, 1951.

[16] Dec. 12. *Ibid.*, 2061, 2069.

[17] May 15, 1862. *Ibid.*, 2147, 2149, 2158.

[18] May 20, 1862. *Statutes at Large*, XII., 392.

(Sept. 4, 1841), and land entered under the homestead act might be paid for at any time at the minimum price if the settler had complied with the provisions of the pre-emption law.[19]

The homestead law is a land-mark in American history and the Republican party deserves credit for its enactment, but at the same time no one can fail to see that it was not the law that men like Greeley, Evans, and Julian had championed. But it was too much to expect of an American Congress that a law of such great sectional importance should have attained the ideal of the squatter. The common enemy—the slave power—having been removed from the halls of Congress, the Republican majority lost its homogeneity and so the law represents a compromise between the East and the West.

George W. Julian, who throughout had stood for an ideal law, has made the following criticism of the law on the statutes:[20] (1) It provided no safeguards against speculation.

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[19] The Morrill Act, approved by the President July 2, 1862, for the purpose of promoting "the liberal and practical education of the industrial classes in the several pursuits and professions of life," had been before Congress since 1857, but it seems to have exercised little or no influence on the homestead bill. Generally speaking, it was favored by the West and North and opposed by the South. There was, however, considerable opposition in the West, where it was feared that it would operate in somewhat the same way that the proposed indigent insane law was expected to. The *St. Peter Tribune* (June 4, 1862) declared it would rob the West of millions of acres of public lands and some States of all the benefits of the homestead bill. The old States, if continued, would receive the large proportion of the lands, while the new States would not receive enough to erect and endow a respectable academy, even if they were willing to accept a fund so acquired for the purpose of making snug berths for a few seedy politicians. See James, *The Morrill Act.*

[20] Julian, *Recollections*, 216-218. See an article by the same author in the *North American Review*, CXXXVI, 237-256 (March, 1883), entitled "Railway Influence in the Land Office." The Secretary of the

Our settlers were offered homes of 160 acres each on condition of occupancy and improvement, but the speculator could throw himself across their track by buying up large bodies of choice land to be held back from settlement and tillage for a raise in price. (2) Under the land grant policy which was simultaneously inaugurated, extensive tracts fell into the clutches of monopolists, which would have gone to actual settlers under the homestead law. (3) Under the new Indian policy introduced about the same time, large bodies of land, when released by our Indian tribes, were sold at low rates to individual speculators and monopolists, or to railway corporations, instead of being conveyed, as before, to the United States, and thus subjected to a general disposition as other public lands. This led to much corruption both within and without Congress.

Interior, Carl Schurz, in two letters to Julian took exception to certain statements in the article. Schurz, *Correspondence*, IV., 168-181, 184-194.

RETROSPECT

ALTHOUGH our land laws have been far from ideal, and the men charged with the duty of executing them were in many instances incompetent and corrupt, it is nevertheless true that morality cannot be legislated into a people and the very best laws would have been evaded. The problem of the American people in the disposition of the public lands has been stupendous and in solving it their government has displayed its well-known optimistic liberality and short-sightedness. But they were not confronted with a theory; it was a condition which only time and experience could solve.

It is impossible for the present generation to estimate the influence of the public lands upon the development of the nation. Not only in this country, but in every country, questions of land in various forms have been at the bottom of political division;[1] but in a new country the influence of the public domain is tremendous. In his celebrated Report Lord Durham,[2] in 1839, wrote: "The warmest admirers, and the strongest opponents of republican institutions admit or assert that the amazing prosperity of the United States is less owing to their form of government, than to the unlimited supply of fertile lands, which maintains succeeding generations in an undiminishing affluence of fertile soil."

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[1] See Ellis, *The Opening, the Use and the Future of our Domain on this Continent*, 20; Welling, *The Land Politics of the United States*, 5. Thompson, *Profitable Fields of Investigation in Mediaeval History*, *American Historical Review*, XVIII., 494 seq.

[2] Lucas, *Lord Durham's Report*, I., 184; Cf. *Ibid.*, 212 seq.

While the public lands have been the cause of violent sectionalism, they have also at all times been a strong bond of union.[3] The national movement for the conservation of natural resources, and the consequent abandonment of the extreme individualistic exploitive idea is one of the later manifestations of this. Moreover, many clear-sighted Americans realize that now that the free lands are gone individualism in America faces a critical struggle against communism and socialism.[4] It is not beyond the range of possibility that, had it not been for the policy of the federal government since 1840 of loosely following the principle that the public lands ought to be converted into private lands cultivated by the owners, the strong and wide-spread socialistic and communistic agitation of the three decades from 1830 to 1860 might have succeeded in altering the structure of American society.[5]

The conditions between the years 1840 and 1860 were sure to give birth to a violent sectional controversy over the disposition of the public domain. The marvelous prosperity of the country had built up an unwieldy surplus in the federal treasury. The sections and interests were divided as to whether the land fund should be divided among the States, whether the tariff should be reduced, or whether the government should abandon the policy of selling the public lands and donate them to actual settlers or for the purpose of promoting industrial, educational, and charitable enterprises.

[3] Turner, *Significance of the Frontier*, 218, 221.

[4] Turner, *Social Forces in American History*, 223 seq.

[5] Rudolf Meyer, *Heimstätten und andere Wirthschaftsgesetze der Vereinigten Staaten von Amerika*, etc., 228; Hill, *The Public Domain and Democracy*, 25.

The panic of 1837 swept away the surplus but not the agitation for the distribution of the proceeds of the sales of the public lands. The panic compelled the cessation of the internal improvement designs of the Western States and forced some of them to sell their improvements, but with the prospect of heavy direct taxes as a result of large State debts and ruined credit confronting them, many voters turned to distribution as a remedy. The failure of the distributionists to overcome the opposition of those who demanded pre-emption and homestead and the element opposed to a high tariff combined with the existence of a national debt, a legacy of the disturbed financial conditions after the panic and the Mexican War, proved fatal to the cause of distribution.

The pre-emption law of 1841 was the result of irresistible forces: the unprecedented growth of the West and the quality of its leaders in Congress enabled this section to dictate to the other sections. The balance of political power might at any time be disturbed by this powerful and restless section. The part it played in the election of 1840 was sufficiently great to enable any astute politician to read the signs of the times. The menace of Calhoun's cession proposition, the Loco-Foco revolt with its far-reaching consequences, and the dangerous situation of thousands of squatters on the public lands in violation of law all contributed to the final result. The squatter was a hard man to deal with. He was high-spirited, independent, and courageous, and in dealing with him the government had to proceed cautiously. He vaulted the legal fence around the reserved portions of the public domain without compunction. He was not disposed to settle on inferior land just because it had been surveyed and officially declared open to settlement when there were thousands of acres of the very best land a little further on. To attempt to expel him by force was a very dangerous thing; in fact, it is a question whether an American army would have carried out orders to do so.[6]

The pre-emption law satisfied the West and the friends of a liberal land system for a time, but with the enormous increase of the public domain as a result of the War with Mexico, the great increase in the mercantile activity of the East, the development of the West, the growth of cities, and the ever increasing immigration, the movement for even more liberal land laws pushed steadily onward. Against these forces was pitted a solid section whose destiny was thought to depend on the maintenance and expansion of the institution of slavery. The millions of acres of unoccupied land in Iowa, Kansas, Nebraska, Minnesota, and California were a prize which both freedom and slavery coveted. Alongside of this solid phalanx were drawn up those elements in the other sections, but especially in the East, whose interests and ideals were hostile to a system which was certain to introduce radical changes in the structure of American society. Land grants to railways, land bounties to soldiers, donations to various enterprises all contributed their influence. In the West, too, as we have pointed out, the liberal land movement met obstacles. As Professor Turner has pointed out, American society has been continually beginning over again.[7] Each successive advance of the frontier has reacted upon the older settlements. With the settlement of each area society threw off its trammels, only to grow, consciously and unconsciously, into a state resembling that which it left. The result was that the "Old West" was in many respects antagonistic to

[6] *Cong. Globe*, 28 Cong., 2 Sess., Ap. 24.

[7] Turner, *Significance of the Frontier*, 206-208.

the "New West."

The settlement of the public land question involved the vital problem of adjustment between old and new society. The ideal solution, of course, was that which would render the country the most attractive to capitalists, laborers, and all classes of society. But in a country embracing the varied interests of the United States no such solution was possible; each section pulled in its own direction. The result was certain to be a compromise. The ideals of Benton, Calhoun, Clay, Greeley, Evans, and Johnson were doomed to disappointment in a system of government founded on the principle of checks and balances.

BIBLIOGRAPHY

THE material for the political history of the public lands from 1840 to 1862 is found principally in three sources: the *Congressional Globe*, newspapers, and the correspondence of public men. The first two are by far the most important.

The *Congressional Globe* is a veritable mine of information on the subject. The investigator must not confine his examination to the debates on land bills; if he did, he would overlook much valuable information because the public land question involves so many phases of public policy. It is almost safe to say that the student cannot afford to disregard a single page of the *Congressional Globe*. Besides the speeches and votes of congressmen, the provisions of land bills and petitions and memorials which cannot be found elsewhere are preserved. In the House and Senate *Journals* are printed certain land bills not to be found in the *Globe* and, of course, more accurately recorded votes. The *Congressional Documents* are rather disappointing. They contain some important committee reports, the Reports of the Secretaries of the Treasury and Interior, and of the Commissioners of the General Land Office besides a few petitions and memorials printed *in toto*. The *Files of the House of Representatives*, preserved in the Capitol, are very incomplete and for this period poorly classified, but the originals of some important and often humorous and suggestive petitions are found there. Richardson's *Messages and Papers* and the *Statutes at Large* are indispensable.

The newspapers examined are preserved in the Harvard College Library, the Boston Public Library, the Library of Congress, the Libraries of the Minnesota Historical Society and of the State Historical Society of Wisconsin. For the most complete files of representative papers from every section of the country the Congressional Library excels. It is especially rich in Southern papers. The Wisconsin library possesses the valuable and rare files of the *Working Man's Advocate.*

The importance of newspapers in a study of the public sentiment relative to the public land policy cannot be overemphasized. The speeches in Congress are frequently of small importance, but the editorials in newspapers in this period are very valuable, especially on a subject which was of such vital importance to all sections. They personify to an unusual degree the public opinion of their constituency. One cannot fail to be struck with the ability of the editors, especially in the West. He would be a rash man, indeed, who would dare to question the tremendous influence of Greeley's *Tribune*, Ritchie's *Richmond Enquirer*, Rhett's *Charleston Mercury*, and Evans's *Working Man's Advocate*. The Washington correspondence of the larger papers is refreshingly informing and reliable in comparison with that of the present day. But even if the newspapers had no other value, the fact that they enable the investigator to "check up" the speeches of congressmen would be a real service. Moreover, in scanning the pages of the papers the eye frequently falls on material which might not otherwise be secured, as, for example, governors' messages, proceedings in State legislatures, accounts of public meetings, side lights on public men, and local conditions.

The correspondence of Calhoun, Clay, Van Buren, Tyler, and, to a lesser degree, Andrew Johnson, Schurz, Web-

ster and Crittenden and the *Memoirs* of John Quincy Adams are of first importance.

The scattered nature of the material on the public lands is attested by the absence of secondary works. An exhaustive history of the public domain will necessitate an untiring search through the files of widely scattered newspapers, a minute examination of the *Congressional Globe*, a searching inquiry into the archives of State libraries, and the study of the correspondence of a large number of men.

PUBLIC DOCUMENTS

Senate and House Journals.

Congressional Debates.

Congressional Globe.

Senate and House Documents, including *Executive and Miscellaneous Documents* and *Reports of Committees.*

Files of the House of Representatives, preserved in the Capitol at Washington.

Reports of the Secretary of the Treasury, Interior and the *Commissioners of the General Land Office.*

Richardson, J. D., *A. Compilation of the Messages and Papers of the Presidents, 1789-1897.* (Washington, 1896, etc.)

Statutes at Large of the United States of America. (Boston, 1850, etc.)

Reports made to the Senate and House of Representatives, of the State of Illinois, etc. (Springfield, Ills., 1841, 1842.)

CORRESPONDENCE, MEMOIRS, AND DIARIES, INCLUDING WORKS OF A CONTEMPORANEOUS NATURE

Adams, Charles Francis, editor, *Memoirs of John Quincy Adams*, etc. (12 vols., Phila., 1874-1876.)

Baker, G. E., editor, *Works of William H. Seward.* (3 vols., New York, 1853-1884.)

Benton, Thomas Hart, *Thirty Years' View*, etc. (2 vols., New York, 1854-1856.)

Brownlow, W. G., editor, *A Political Register*, etc. (Jonesborough, Tenn., 1844.)

Calhoun, John C., *Correspondence.* Edited by J. Franklin Jameson. American Historical Association, *Report*, 1899, II. (Washington, 1900.)

Calhoun, John C., *Works.* Edited by Richard K. Crallé. (6 vols., N. Y., 1851-1866.)

Calhoun Text Book, The. (N. Y., 1843.)

Coleman, Mrs. Chapman. *The Life of John J. Crittenden, with selections from his correspondence and speeches.* (2 vols., Phila, 1871.)

Colton, Calvin, *The Private Correspondence of Henry Clay.* (N. Y., 1855.)

Colton, Calvin, *The Works of Henry Clay.* (6 vols., N. Y., 1863.)

Crittenden, John Jordan, *Calendar of the Papers of*, (Washington, 1913.)

Ewing, Thomas, *Diary.* Aug. and Sept., 1841. *American Historical Review*, XVIII., 97-112. (Oct., 1912.)

Foot, Samuel A., *Autobiography*, etc. (2 vols., N. Y., 1873.)

Frothingham, Octavius Brooks, *Gerritt Smith, A Biography.* (2 ed., N. Y., 1879.)

Hambleton, James P., *A Biographical Sketch of Henry A. Wise*, etc. (Richmond, 1855.)

Johnson, Andrew, *The Papers of.* Mss. in the Library of Congress.

Julian, George W., *Political Recollections, 1840 to 1872.* (Chicago, 1884.)

Julian, George W., *Select Speeches.* (Cincinnati, 1867.)

Julian, George W., *Speeches on Political Questions*, etc., (N. Y., 1872.)

Koerner, Gustave, *Memoirs, 1809-1896.* (2 vols., Cedar Rapids, Iowa, 1909.)

Lyon, Lucius, *Letters*, etc. *Michigan Pioneer and Historical Collections*, XXVII., 412-604. (Lansing, Mich., 1897.)

McCulloch, Hugh, *Men and Measures of Half a Century, Sketches and Comments.* (N. Y., 1888.)

Massachusetts Historical Society, *Proceedings*, 1908-09. Vol. XLII., 381 seq.—Some correspondence of Van Buren.

Nicolay, John G. and Hay, John, editors, *Abraham Lincoln. Complete Works*, etc. (2 vols., N. Y., 1894.)

Quaife, M. M., editor, *The Diary of James K. Polk during his Presidency, 1845 to 1849.* (4 vols., Chicago, 1910.)

Salter, William, *The Life of James W. Grimes*, etc. (N. Y., 1876.)

Sargent, Nathan, *Public Men and Events*, etc. (2 vols., Phila., 1875.)

Schurz, Carl, *Reminiscences.* (3 vols., N. Y., 1907, 1908.)

Schurz, Carl, *Speeches, Correspondence and Political Papers*, etc. (6 vols., N. Y., 1913.)

Scott, Nancy N., editor, *A Memoir of Hugh Lawson White*, etc. (Phila., 1856.)

Smith, W. L. G., *The Life and Times of Lewis Cass.* (N. Y., 1856.)

Tyler, Lyon G., *The Letters and Times of the Tylers.* (3 vols., Richmond, 1884-1896.)

Van Buren, Martin, *The Papers of.* Mss. in Library of Congress.

Van Buren, Martin, *Calendar of the Papers of*, etc. (Washington, 1910.)

Van Tyne, C. H., editor, *The Letters of Daniel Webster from documents owned principally by the New Hampshire Historical Society.* (N. Y., 1902.)

Webster, Fletcher, editor, *The Private Correspondence of Daniel Webster.* (2 vols., Boston, 1857.)

Wise, Henry A., *Seven Decades of the Union*, etc. (Phila., 1872.)

Wise, John S., *Recollections of Thirteen Presidents.* (N. Y., 1906.)

NEWSPAPERS

The following list contains the newspapers which have been used. The dates for which they have been consulted, place of publication, political complexion, and the libraries [1] where they are deposited, are given where possible.

NEW ENGLAND

Boston Courier, 1840-1842, 1854, 1860; daily; Whig; Bell-Everett, 1860. B.

Boston Evening Mercantile Journal [*Boston Daily Journal*], 1841, 1842, 1854, 1860; daily; Whig and Republican. B.

Boston Post, 1854, 1857, 1860; daily; Democratic; Breckenridge, 1860. B.

Boston Daily Evening Traveller, Anti-Neb., 1854. B.

The Atlas [*and Bee*], Boston, 1840-1842, 1844, 1860; daily; Whig and Republican. B.

The Voice of Industry, Lowell, Mass. See "Labor Papers."

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[1] Abbreviations: B. = Boston Public Library; L. C. = Library of Congress; H. = Harvard College Library; W. = Wisconsin State Historical Library; M. = Minnesota State Historical Library.

NEW YORK

Albany Argus, 1840-1842; daily; Democratic. B.

New York Tribune, Sept. 17, 1842-1862 inclusive; weekly, semi-weekly, and daily; Whig and Republican. L. C.

The Log Cabin, published simultaneously in New York and Albany; May 9 to Nov. 11, 1840; weekly; Whig. B.

The Harbinger. Devoted to Social and Political Progress. Published by the Brook Farm Phalanx, New York, Dec. 13, 1845—Oct. 9, 1847; weekly. W.

The Herald of the New Moral World and Millennial Harbinger, New York, Jan. 9, 1841—Aug. 8, 1842—A Fourier Magazine. W.

PENNSYLVANIA

The North American and Daily Advertiser (after 1848 *The Philadelphia North American and United States Gazette*), 1840-1842, 1844, 1848, 1852, 1854, 1857, 1860; daily; Whig and Republican. L. C.

The Pennsylvanian, Philadelphia, 1840-1842, 1852, 1854, 1857; daily; Dem. L. C.

NEW JERSEY

Daily True American, Trenton, 1854, 1860; daily; Dem.; Douglas, 1860. L. C.

Newark Daily Advertiser, 1840-1842, 1857, 1860 (to June 30); daily; Whig and Rep. L. C.

DISTRICT OF COLUMBIA

Daily National Intelligencer, 1840-1845 (incl.), 1848, 1852, 1854, 1857, 1860, 1862; daily; Whig; Bell-Everett in 1860. L. C.

Evening Star, 1854, 1857, 1860; daily; Dem.; Breckinridge in 1860, but anti-secession. L. C.

The Constitution, 1860; daily; Breckinridge. L. C.

The Daily Union, 1852, 1853, 1857, 1860; daily; Dem.; Douglas, 1860. L. C.

The Globe, 1840-1848; daily, Dem. L. C.

The Madisonian, 1841 (semi- and tri-weekly), 1842 (daily); Whig and later Pro-Tyler. L. C.

Slave States

MARYLAND

American and Commercial Daily Advertiser, Baltimore, 1841, 1842, 1844, 1857; daily; Whig. L. C.

Baltimore Clipper, 1854, 1860, 1862; daily; Know-nothing; Bell-Everett, 1860. L. C.

The Sun, Baltimore, 1840-1842, 1844, 1848, 1852, 1854; 1857, 1860; daily; Independent, but pro-Southern. L. C.

VIRGINIA

Richmond Enquirer, 1840-1846, 1848, 1852 (semi-weekly), 1854, 1856, 1860; daily; Dem. B. L. C.

Richmond Daily Whig, 1840-1842, 1845-1848, 1860; daily; Whig; Bell-Everett in 1860. B. L. C.

Wheeling Daily Intelligencer, 1853, 1862; daily; Whig; Rep. after 1854. L. C.

NORTH CAROLINA

North Carolina Standard, 1840-1849 (weekly), 1853-1854 (semi-weekly), 1856-1858 (semi-weekly), 1859 (tri-weekly); Dem. L. C.

Wilmington Journal, Feb. 5, 1847-1852 (weekly), 1858-1860 (daily); Dem. L. C.

SOUTH CAROLINA

Charleston Daily Courier, 1840-1860 (except 1851, 1858, 1859); daily; Whig; Independent after 1844. B. L. C.

Charleston Mercury, 1844, 1848, 1857-1860; daily; tri-weekly (1860); Dem. L. C.

GEORGIA

Columbus Enquirer, 1841; weekly; Whig. L. C.

Daily Chronicle and Sentinel, Augusta, 1852, 1854, 1860. Supported Daniel Webster on an Independent ticket for the presidency until his death in October, 1852; after that it printed the names of "Fillmore or J. J. Crittenden" at the head of the editorial column. In 1860 it supported Bell-Everett and opposed secession. L. C.

Federal Union, Milledgeville, 1844; daily; Dem. L. C.

The Daily Georgian, Savannah, 1840, 1841, 1854; Dem. L. C.

The Southern Recorder, Milledgeville, 1852; weekly; Whig. L. C.

FLORIDA

Florida Republican, Jacksonville, 1852-1857; weekly; Whig to 1854; Know-nothing after this date. L. C.

The Florida News, Jacksonville, 1853, 1854, 1857; weekly, Dem. L. C.

The Florida Sentinel, Tallahassee, 1841, 1842; weekly; Whig. L. C.

The Floridian [*The Floridian and Journal* after 1850], Tallahassee, 1840, 1841, 1850-1860; weekly; Dem. L. C.

Pensacola Gazette, 1840-1842 (independent), 1850-1858; weekly; Whig. L. C.

ALABAMA

Independent Monitor, Tuscaloosa, 1859, 1860; weekly; Bell-Everett. L. C.

Mobile Daily Advertiser, 1852, 1857, 1860; Whig; Bell-Everett. L. C.

Mobile Daily Commercial Register and Patriot [*Mobile Register and Journal*], 1840-1842, 1857; Dem. L. C.

The Daily Confederation, Montgomery, 1860; Dem. (Douglas). L. C.

The Southern Advocate, Huntsville, 1852; weekly; Whig. L. C.

MISSISSIPPI

Columbus Democrat, 1840, 1841, 1853, 1854; weekly; Dem. L. C.

Mississippi Free Trader and Natchez Weekly Gazette, 1840, 1845, 1846-1848; Dem. L. C.

The Mississippian, Jackson, 1841, 1844, 1846-1849, 1856, 1859, 1860; weekly; Dem. (Breckinridge, 1860). L. C.

Vicksburg Weekly Sentinel, 1853, 1854, 1855; Dem. L. C.

LOUISIANA

Louisiana Courier, New Orleans, 1854; daily; Dem. L. C.

The Daily Advocate, Baton Rouge, 1854, 1857; Dem. L. C.

The Daily Delta, New Orleans, 1860; Dem. Breckinridge. L. C.

The Daily Picayune, New Orleans, 1852, 1857, 1860; Dem. L. C.

New Orleans Bee, 1841; daily, Whig. L. C.

TEXAS

The San Antonio Ledger, 1852-1854, 1857-1859; weekly; Dem. L. C.

ARKANSAS

Arkansas State Gazette, Little Rock, 1840-1855, 1859, 1860; weekly; Dem. to 1843; Whig to 1846; Dem. to Aug., 1855; Know-nothing after this date; Bell-Everett in 1860. L. C.

The Arkansas Banner, 1843, 1844, 1845; weekly; Dem. L. C.

The Arkansas Whig, Little Rock, 1851-1854; weekly; Whig. L. C.

The Southern Shield, Helena, 1841, 1842, 1852, 1853; weekly; Whig. L. C.

The True Democrat, Little Rock, 1852-1855, 1858-1860; weekly; Dem. (Breckinridge in 1860). L. C.

Washington Telegraph, 1841, 1849-1854; weekly; Dem. L. C.

MISSOURI

Daily Missouri Republican, St. Louis, 1841, 1852, 1854; Whig. L. C.

Jefferson Inquirer, Jefferson City, 1851-1853, 1855-1857; weekly; Dem. L. C.

Native American Bulletin, St. Louis, 1842; daily; Know-nothing. L. C.

TENNESSEE

Daily Republican Banner [*and Nashville Whig* from Jan. 2, 1852 to June 1, 1860], Nashville, 1840-1842, 1852, 1854, 1857-1860; Whig; Bell-Everett. L. C.

Memphis Daily Appeal, 1853, 1854, 1857, 1860, Dem. (Douglas in 1860.) L. C.

Memphis Daily Eagle and Enquirer, 1852, 1853; Whig. *Memphis Daily Enquirer*, Jan. 1 to June 30, 1860; Bell-Everett.

Nashville Union and American, 1857-1860; daily; Dem. (Breckinridge in 1860.) L. C. B.

Knoxville Standard, 1847, 1848; weekly; Dem. L. C.

The Memphis Daily Avalanche, 1859, 1860; Dem. (Breckinridge in 1860.) L. C.

KENTUCKY

Kentucky Gazette, Lexington, 1840, 1841; weekly; Dem. L. C.

Lexington Observer and Reporter, 1842; semi-weekly; Whig. L. C.

Louisville Daily Journal, 1841, 1857; Whig. B. L. C.

The Commonwealth, Frankfort, 1841, 1842; weekly; Whig. L. C.

The Kentucky Yeoman, Frankfort, 1853-1855, 1860; weekly and tri-weekly; Dem. (Breckinridge in 1860.) L. C.

The Louisville Daily Courier, 1852, 1860; Whig. (Breckinridge in 1860.) L. C.

The Louisville Times, 1852, 1854; Dem. L. C.

Western States

OHIO

The Daily National Democrat, Cleveland, 1860; Dem. (Breckinridge) L. C.

The Daily Ohio Statesman, Columbus, 1840, 1857, 1860; Dem. (Douglas in 1860.) L. C.

The Ohio State Journal, 1841; semi-weekly; Whig. L. C.

INDIANA

Daily Indiana State Sentinel, Indianapolis, 1854; Dem. (Pro-Nebraska.) L. C.

Lafayette Daily Journal, 1853, 1854; Anti-Nebraska. L. C.

Southern Indianian, Charlestown, 1840, 1841; weekly. L. C.

The American Eagle, Paoli, 1860; weekly; Dem. (Neutral between Douglas and Breckinridge.) L. C.

The Fort Wayne Sentinel, 1860; weekly; Dem. (Douglas.) L. C.

The Republican Banner, Madison, 1841; weekly; Whig. L. C.

The Rushville Jacksonian, 1860 (incomplete); weekly; Dem. (Douglas.) L. C.

Wabash Courier, Terre Haute, 1840, 1841; weekly; Whig. L. C.

Wabash Express, Terre Haute, 1841, 1842; weekly; Whig. L. C.

ILLINOIS

Chicago Daily Press, 1857. L. C.

Chicago Press and Tribune, 1858-1860; weekly; Republican. W.

Illinois Republican, Shawneetown, 1842, 1843; weekly; Whig. L. C.

Illinois State Register, Springfield, 1848-1854, 1857; weekly; Dem. (Douglas organ.) L. C.

Peoria Register and North-Western Gazeteer, 1841, 1842; weekly; Whig. L. C.

The Alton Telegraph [*and Madison County Record*], 1851-1854; weekly; Whig. L. C.

The Daily Democratic Press, Chicago, 1854; Dem. (Anti-Nebraska.) L. C.

The Illinois State Journal, Springfield, 1857, 1860, 1861; weekly (daily Jan. and Feb., 1857); Republican. L. C.

Weekly Northwestern Gazette, Galena, 1851, 1852; Whig. L. C.

MICHIGAN

Democratic Free Press (weekly), 1840-1842. L. C

Detroit Free Press (daily), 1854, 1860; Dem. (Pro-Nebraska in 1854; Douglas in 1860.) L. C.

Niles Republican, 1841, 1842; weekly; Whig; Dem. after about Dec. 1841. L. C.

WISCONSIN

Green Bay Republican, 1841-1843; weekly; Whig. L. C.

Milwaukee Morning News, 1854; daily; Dem. L. C.

The Appleton Crescent, 1860, 1861; weekly; Dem. (Douglas.) L. C.

The Democratic Press, Fond du Lac, 1859, 1860; weekly; Dem. (Douglas.) L. C.

Weekly Argus and Democrat, Madison, 1854, 1855, 1857, 1859; weekly; Dem. L. C.

Wisconsin Statesman, 1850, 1851; weekly; Whig. B.

IOWA

Council Bluffs Bugle, 1855 (semi-weekly), 1859, 1860 (weekly); Dem. (Douglas in 1860.) L. C.

Daily State Democrat [*Daily Iowa State Democrat; Daily Democrat and News*], Davenport, 1855-1857, 1859, 1860; Dem. (Douglas in 1860.) L. C.

Democratic Banner, Davenport, 1854, 1855; weekly; Dem. L. C.

Des Moines Valley Whig, Keokuk, 1852; weekly; Whig. L. C.

Dubuque Weekly Express and Herald, 1858-1860; weekly; Dem. (Douglas in 1860.) L. C.

Hawkeye and Iowa Patriot, Burlington, 1841, 1842, 1849-1851, 1861; weekly; Whig; Republican. L. C.

Iowa Territorial Gazette and Burlington Advertiser [*Iowa State Gazette*], 1840, 1841, 1853, 1854, 1858, 1859; weekly; Dem. L. C.

The Iowa Republican, Iowa City, 1852-1854; weekly; Whig. L. C.

The Iowa Sentinel, Fairfield, 1854, 1855, 1856; weekly; Dem. L. C.

The Keokuk Dispatch, 1853, 1854, 1855; weekly; Dem. L. C.

MINNESOTA

The Minnesota papers listed below have been pretty thoroughly studied from 1848 to 1862. They are all found in the Library of the Minnesota Historical Society.

Minnesota Statesman, St. Peter; weekly.

St. Anthony Express, Republican.

Saint Peter's Courier; weekly; Dem.

Saint Peter Tribune; weekly; Republican.

The Minnesotian, St. Paul.

The Minnesota Chronicle [*and Register*], St. Paul; Whig.

The Minnesota Democrat, St. Paul; daily; Republican after 1856.

The Minnesota Pioneer, St. Paul; daily; Dem.

The Minnesota Times, St. Paul; daily; Republican.

KANSAS

Kansas National Democrat, Lecompton, 1857, 1859, 1860, 1861; weekly; Dem. (Breckinridge in 1860.) L. C.

The Kansas Weekly Herald, Leavenworth, 1855-1857; Dem. (Pro-slavery.) L. C.

The Conservative, Leavenworth, 1862. L. C.

Weekly Western Argus, Wyandotte City, 1859, 1860; Dem. L. C.

NEBRASKA TERRITORY

Nebraska News, Nebraska City, 1857, 1860: weekly; Dem. (Douglas in 1860.) L. C.

The Nebraska Advertiser, Brownville, 1857, 1858; weekly; Dem. L. C.

The [*Omaha*] *Nebraskian*, Omaha City, 1857-1860; weekly; Dem. (Douglas in 1860.) L. C.

CALIFORNIA

Daily Alta California, San Francisco, 1852, 1854. L. C.

Daily Globe, San Francisco, 1857; Dem. L. C.

Daily San Joaquin Republican, 1857; Dem. L. C.

Los Angeles Star, 1851, 1852; weekly. L. C.

The Democratic State Journal, Sacramento, 1855, 1856, 1857; daily; Dem. L. C.

The Empire County Argus, Coloma, 1854, 1855; weekly; Dem. L. C.

The San Francisco Herald, 1860; daily; Dem. (Breckinridge.) L. C.

OREGON

Oregon Weekly Times, Portland, 1853, 1854, 1860. Dem. (Douglas in 1860.) L. C.

The [*Portland*] *Oregonian*, 1850-1858, 1862; weekly; Whig; Republican. L. C.

The Oregon Argus, Oregon City, 1862; weekly; Republican. L. C.

The Oregon Sentinel, Jacksonville, 1859, 1860, 1862; weekly; Dem. (Breckinridge in 1860.) L. C.

The Oregon Statesman, Salem, 1853-1857; weekly; Dem. L. C.

THE LABOR MOVEMENT

PAPERS

Der Volks-Tribun, 1846; weekly. Organ of the German Association of Social Reform in New York. W.

Die Reform, 1853, 1854, New York; weekly and later daily. W.

Sociale Republik, Organ der freien Arbeiter. Eigenthümer und Herausgeber: Der Arbeiterbund in New York, 1858, 1859, 1860; weekly. W.

The Voice of Industry, Lowell, Mass., Organ of the New England Labor Reform League. 1846, 1847; weekly. W.

The Working Man's Advocate, New York, 1844, 1845, 1848; weekly. W.

Young America, New York, 1848 (one number, Sept. 23). W.

OTHER SOURCES

Byrdsall, F., *The History of the Loco-Foco or Equal*

Rights Party, etc. (N. Y., 1842.)—Written by one of the leaders in the party.

Commons, J. R. et al., editors, *Documentary History of American Industrial Society.* (10 vols., Cleveland, 1909-1911.) Vols. V., VII., and VIII. contain interesting and valuable material on land reform, and an article by Prof. Commons on Horace Greeley.

Greeley, Horace, *Hints toward Reforms*, etc. (2 ed., N. Y., 1853.)

Greeley, Horace, *Recollections of a Busy Life*, etc. (N. Y., 1868.)

Gregory, John Goadby, *The Land Limitation Movement, A Wisconsin Episode of 1848-1851. Parkman Club Papers*, 1897, No. 14, pp. 89-112.

Hammond, Jabez D., *Life and Times of Silas Wright*, etc. (Syracuse, N. Y., 1848.)—Valuable material on the activity of the National Reformers in New York in 1846.

Hammond, Jabez D., *The History of Political Parties in the State of New York*, etc. (2 vols., Albany, 1842.)—Chapter 41 has an account of the Loco-Foco party.

Jenkins, John S., *The Life of Silas Wright*, etc. (Auburn and Buffalo, 1847?)—Material on the anti-rent troubles.

Jenkins, John S., *Lives of the Governors of the State of New York.* (Auburn, N. Y., 1851.)

Linn, William Alexander, *Horace Greeley*, etc. (N. Y., 1903.)

Masquerier, Lewis, *Sociology; or the Reconstruction of Society, Government, and Property*, etc. (N. Y., 1877.) —Contains sketches of George Evans and other Land Reformers. Considerable fugitive material published before 1860 and since, giving a good idea of the spirit of the Land Reform Movement and its leaders.

Parton, J., *The Life of Horace Greeley*, etc. (N. Y., 1855.)

THE GERMANS AND LAND REFORM

Bruncken, Ernest, *The Germans in Wisconsin Politics. Until the Rise of the Republican Party. Parkman Club Papers*, 1896, pp. 225-238.

Curtis, Francis, *The Republican Party*, etc. (2 vols., N. Y., 1904.)

Desmond, Humphrey J., *The Know-Nothing Party.* (Washington, 1904.)

Faust, Albert Bernhard, *The German Element in the United States*, etc. (2 vols., Boston and N. Y., 1909.)

Koerner, *Memoirs.*

Schurz, *Reminiscences and Correspondence.*

Sociale Republik.

Herriott in Trans Ill Hist Soc – 1918

GENERAL BIBLIOGRAPHY

Ambler, Charles Henry, *Thomas Ritchie, A Study in Virginia Politics.* (Richmond, Va., 1913.)

Ambler, Charles Henry, *Virginia and the Presidential Succession, 1840-1844. Turner Essays*, 165-202. (N. Y., 1910.)

Ballagh, James Curtis, *Introduction to Southern Economic History—The Land System.*—Part 1. American Historical Association, *Report*, 1897, 99-129.

Ballagh, James Curtis, *Southern Economic History: Tariff and Public Lands.* American Historical Association, *Report*, 1899, 221-263.

Bancroft, Frederick, *The Life of William H. Seward.* (2 vols., N. Y., 1900.)

Bancroft, George, *Martin Van Buren to the End of his Public Career.* (N. Y., 1889.)

Beard, Charles A., *An Economic Interpretation of the Constitution of the United States.* (N. Y., 1913.)

Bien, Morris, *The Public Lands of the United States. North American Review.* Vol. 192, pp. 387-402. (July, 1910.)

Bourne, Edward G., *The History of the Surplus Revenue of 1837*, etc. (N. Y., 1885.)

Brigham, Johnson, *James Harlan.* (Iowa City, Iowa, 1913.)

Chase, Lucien B., *History of the Polk Administration.* (N. Y., 1850.)

Chotteau, Leon, *Le Président Andrew Johnson.* (Paris, 1868.)

Clay, Thomas Hart, *Henry Clay.* (Phila., 1910.)

Colgrove, Kenneth W., *The Attitude of Congress toward the Pioneers of the West from 1789-1820. The Iowa Journal of History and Politics*, VIII., No. 1. (January, 1910.)

Colgrove, Kenneth W., *The Attitude of Congress toward the Pioneers of the West, 1820-1850. Ibid.*, IX., No. 2. (April, 1911.)

Collier, James, *The Pastoral Age in Australasia.* (London, 1911.)

Cox, Samuel S., *Free Land and Free Trade*, etc. (N. Y., 1880.)

Cox, Samuel S., *Three Decades of Federal Legislation*, 1855-1885. (Providence, R. I., 1885.)

Curtis, George Ticknor, *Life of Daniel Webster.* (2 vols., N. Y., 1870.)

Curtis, George Ticknor, *Life of James Buchanan*, etc. (2 vols., N. Y., 1883.)

De Bow, J. D. B., *The Industrial Resources, etc., of the Southern and Western States*, etc. (3 vols., New Orleans, 1852, 1853.)

Democratic National Convention, held in 1860, at Charleston and Baltimore, Official Proceedings. (Cleveland, 1860.)

Dewey, Davis Rich, *Financial History of the United States.* (3 ed., N. Y., 1907.)

Dodd, William E., *Profitable Fields of Investigation in American History, 1815-1860. American Historical Review*, XVIII., 522-536. (April, 1913.)

Dodd, William E., *Statesmen of the Old South or from Radicalism to Conservative Revolt.* (N. Y., 1911.)

Dodd, William E., *The Fight for the Northwest, 1860. American Historical Review*, XVI., 774-788. (July, 1911.)

Donaldson, Thomas, *The Public Domain*, etc. (Washington, 1884.)

Du Bois, J. T., and Mathews, G. S., *Galusha A. Grow: The Father of the Homestead Law.* (Boston, 1917.)

Edinburgh Review, LXXI., 517-544. (July, 1840.) Article entitled "New Theory of Colonization."

Ellis, George, *The Opening, the Use, and the Future of our Domain on this Continent*, etc. (N. Y., 1887.)

Emerick, C. F., *The Credit System and the Public Domain. Publications of the Vanderbilt Southern History Society*, No. 3. (Nashville, Tenn., 1899.)

Fiske, John, *Essays Historical and Literary.* (2 vols., N. Y., 1902.) I., 317-361. "Harrison, Tyler and the Whig Coalition."

Flower, Frank A., *History of the Republican Party*, etc. (Springfield, Ills., 1884.)

Ford, Amelia Clewley, *Colonial Precedents of our National Land System as it existed in 1800*. *Bulletin of the University of Wisconsin*, No. 352. (Madison, 1910.)

Ford, W. C., *The Campaign of 1844*. American Antiquarian Society, *Proceedings*, 1909-1910. New Series, XX., 106-126.

Forney, John W., *Anecdotes of Public Men*. (N. Y., 1873.)

Garnett, R., *Edward Gibbon Wakefield. The Colonization of South Australia and New Zealand*. (London, 1898.)

Garrison, George Pierce, *Westward Extension*, 1841-1850. (N. Y., 1906.)

Greeley, Horace, and Cleveland, John F., *A Political Text-Book for 1860*, etc. (N. Y., 1860.)

Haney, Lewis Henry, *A Congressional History of Railways in the United States to 1850*. *Bulletin of the University of Wisconsin*, No. 211. (April, 1908.)

Haney, Lewis Henry, *A Congressional History of Railways in the United States, 1850-1877*. *Bulletin of the University of Wisconsin*, No. 342. (Jan., 1910.)

Harper's New Monthly Magazine, LXXI., 741-746. (Oct., 1885.) Anonymous article, "Our Public Land Policy."

Hart, A. B., *Practical Essays on Government*. (N. Y., 1893.) Chapter X. "Public Land Policy of the United States."

Herriott, F. I., *Iowa and Abraham Lincoln*, etc. (Des Moines, Iowa, 1911.)

Hill, Robert Tudor, *The Public Domain and Democracy*, etc. (N. Y., 1910.)

Hunt, Gaillard, *John C. Calhoun*. (Phila., 1908.)

James, Edmund J., *The Origin of the Land Grant Act of 1862*. (The so-called Morrill Act.) *University of*

Illinois Bulletin, Vol. VIII., No. 10. (Nov. 7, 1910.)

Jenkins, John S., *The Life of John Caldwell Calhoun.* (Auburn and Buffalo, 1850.)

Jervey, Theodore D., *Robert Y. Hayne and his Times.* (N. Y., 1909.)

Johnson, Allen, *Stephen A. Douglas, A Study in American Politics.* (N. Y., 1908.)

Julian, George W., *Railway Influence in the Land Office. North American Review*, CXXXVI., 237-256. (March, 1883.)

Julian, George W., *The Life of Joshua R. Giddings.* (Chicago, 1892.)

Lodge, Henry Cabot, *Daniel Webster.* (Boston, 1883.)

Lucas, Sir C. P., *Lord Durham's Report on the Affairs of British North America.* (3 vols., Oxford, 1912.)

McKee, Thomas Hudson, *The National Conventions and Platforms of all Political Parties, 1789-1900*, etc. (Balto., 1900.)

McLaughlin, A. C., *Lewis Cass.* (Rev. ed., Boston, 1900.)

McMaster, John Bach, *A History of the People of the United States, from the Revolution to the Civil War.* (8 vols., N. Y., 1883-1913.)

Macy, Jesse, *Institutional Beginnings in a Western State. Johns Hopkins Studies*, II., 347-380. (Balto., 1884.)

Meigs, W. M., *The Life of Thomas Hart Benton.* (Phila., 1904.)

Meyer, Dr. Rudolf, *Heimstätten und andere Wirthschaftgestze der Vereinigten Staaten von Amerika*, etc. (Berlin, 1883.)

Middleton, Thomas J., *Andrew Johnson and the Homestead Law. Sewanee Review*, XV., 316-320. (July, 1907.)

Mills, Arthur, *Systematic Colonization.* (London, 1847.)

Moore, Frank, *Speeches of Andrew Johnson*, etc. (Boston, 1866.)

Niles' Weekly Register. (Balto., 1811-1849.)

North American Review, LVIII., 109-157. (Jan., 1844.)—Article on "Debts of the States."

Orfield, M. L., *Federal Land Grants to the States with special Reference to Minnesota.* (The University of Minnesota Studies in the Social Sciences, 1915.)

Ormsby, R. McKinley, *A History of the Whig Party, etc.* (Boston, 1859.)

Paxson, Frederic L., *The Railroads of the "Old Northwest" Before the Civil War.* Wisconsin Academy of Sciences, Arts, and Letters, *Transactions*, XVII., 243-274. (Oct., 1912.)

Pelzer, Louis, *Augustus Cæsar Dodge.* (Iowa City, Iowa, 1908.)

Phillips, Ulrich Bonnell, *The Life of Robert Toombs.* (N. Y., 1913.)

Phillips, Ulrich Bonnell, *The Southern Whigs, 1834-1854. Turner Essays*, 203-229. (N. Y., 1910.)

Republican Scrap Book, etc. (Boston, 1856.)

Rhodes, J. F., *History of the United States from the Compromise of 1850.* (7 vols., N. Y., 1893-1906.)

Rhodes, J. F., *Lectures on the American Civil War, etc.* (N. Y., 1913.)

Rogers, Joseph M., *The True Henry Clay.* (Phila., 1904.)

Sanborn, John Bell, *Congressional Grants of Land in Aid of Railways. Bulletin of the University of Wisconsin*, No. 30. (August, 1899.)

Sanborn, John Bell, *Some Political Aspects of Homestead Legislation. American Historical Review*, VI., 19-37. (Oct., 1900.)

Sato, Shosuke, *History of the Land Question in the United States. Johns Hopkins Studies*, IV. (Balto., 1886.)

Savage, John, *The Life and Public Services of Andrew Johnson.* (N. Y., 1866.)

Schouler, James, *History of the United States of America under the Constitution.* (Revised ed., N. Y.)

Schurz, Carl, *Henry Clay.* (2 vols., Boston, 1900.)

Scott, William A., *The Repudiation of State Debts,* etc. (N. Y., 1893.)

Sering, Max, *Die landwirthschaftliche Konkurrenz Nordamerikas in Gegenwart und Zukunft.* (Leipzig, 1887.)

Shambaugh, Benjamin F., *Constitution and Records of the Claim Association of Johnson County, Iowa,* etc. (Iowa City, Iowa, 1894.)

Shepard, E. M., *Martin Van Buren.* (Rev. ed., Boston, 1900.)

Smith, Theodore Clarke, *The Liberty and Free Soil Parties in the Northwest.* (N. Y., 1897.)

Stanwood, Edward, *A History of the Presidency.* (Boston, 1898.)

Statesman's Manual, 1789-1851. (4 vols., N. Y., 1847-1853.)

Taussig, F. W., *The Tariff History of the United States.* (5 ed., N. Y., 1910.)

Terry, Benj., *Die Heimstätten-Gesetz-Bewegung. Deutsch-Amerikanische Geschichtsblätter.* Jahrgang 2, Heft 2, pp. 1-9. (April, 1902); Heft 3, pp. 1-16. (July, 1902); Heft 4, pp. 1-11. (Oct., 1902); Jahrgang 3, Heft 2, pp. 24-39. (April, 1903); Heft 3, pp. 1-11. (July, 1903.)

The South in the Building of the Nation. (12 vols., Richmond.)

Tiffany, Francis, *Life of Dorothea Lynde Dix.* (Boston, 1890.)

Thompson, James Westfall, *Profitable Fields of Investigation in Mediaeval History. American Historical Review*, XVIII., 490-504. (April, 1913.)

Treat, Payson Jackson, *The National Land System, 1785-1820.* (N. Y., 1910.)

Turner, Frederick Jackson, *Is Sectionalism in America Dying Away? American Journal of Sociology*, XIII., 661-675. (March, 1908.)

Turner, Frederick Jackson, *Rise of the New West.* (N. Y., 1906.)

Turner, Frederick Jackson, *Significance of the Frontier in American History.* American Historical Association, *Report*, 1893, 199-227.

Turner, Frederick Jackson, *Social Forces in American History, American Historical Review*, XVI., 217-233. (Jan., 1911.)

United States. Monthly Summary of Commerce and Finance. October, 1901. Prepared in the Bureau of Statistics, Treasury Department. Colonial Administration. (Washington, 1901.)

Vacher, L., *Le Homestead aux États-Unis.* (Paris, 1896.)

Von Holst, Dr. H., *The Constitutional and Political History of the United States.* (Chicago, 1876-1892.)

Wakefield, D., editor, *The Public Lands a Mine of Wealth*, etc. (London, 1841.)

Wakefield, Edward Gibbon, *A View of the Art of Colonization*, etc. (London, 1849.)

Wakefield, Edward Gibbon, *England and America. A Comparison of the Social and Political State of Both Nations.* (N. Y., 1834.)

Welling, James C., *State Rights Conflict over Public Lands.* American Historical Association, *Papers*, III., 411 seq. (1889.)

Welling, James C., *The Land Politics of the United States.* (N. Y., 1888.)

Wellington, R. G., *The Political and Sectional Influence of the Public Lands, 1828-1842.* (Boston, 1914.)

Wellington, R. G., *The Tariff and Public Lands from 1828 to 1833.* American Historical Association, *Report,* 1911, I., 179-185.

White, Francis Harding, *The Administration of the General Land Office, 1812-1911.* Mss. in Harvard Library. (1912.)

Wise, Barton H., *The Life of Henry A. Wise, 1806-1876.* (N. Y., 1899.)

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